

U.S. DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

In the Matter of: )  
 )  
Cooperative Conservation )  
Listening Session #24 )  
Colton/San Bernardino )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS

Clarion Hotel and Convention Center

San Bernardino, California

Thursday, September 28, 2006

Reported by:

Sonja Lane

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Meeting of the Cooperative Conservation Listening  
Session, taken before Sonja Lane, commencing at 10:00  
a.m., Thursday, September 28, 2006, at Clarion Hotel and  
Convention Center, 295 North E Street, San Bernardino,  
California.

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2 APPEARANCES OF PANEL:

3 SECRETARY DIRK KEMPTHORNE,  
4 US Department of the Interior

5 COLONEL JOHN MCMAHAN,  
6 Commander, South Pacific Division  
7 US Army Corps of Engineers

8 WAYNE NASTRI  
9 Region Administrator  
10 US Environmental Protection Agency

11 ROD MCINNIS  
12 Southwest Regional Administrator  
13 US Department of Commerce  
14 NOAA/NMFS

15 ALSO PRESENT:

16 DAVE CASE  
17 Listening Session Facilitator

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1 COOPERATIVE CONSERVATION LISTENING SESSION #24

2 San Bernardino, California

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4 MR. CASE: If can you take your seats, please.

5 Welcome to the 23rd of 25 listening sessions on

6 Cooperative Conservation. My name is Dave Case, I'm the

7 moderator for the session this morning. We'd like to

8 thank you for coming.

9 I'm joined on the podium by Secretary Kempthorne,

10 Secretary of US Department of Interior, Colonel John

11 McMahan, Army Corp of Engineers. On this side, Wayne

12 Nastri, Regional Administrator for the US Environmental

13 Protection Agency in the Pacific Southwest, and Rodney

14 McInnis, the Regional Administrator for NOAA Fisheries.

15 Also, we have two sign interpreters, Doug

16 England, who's signing right now, and Ted O'Connor over on

17 the left side. We also have a court reporter who will be

18 taking a transcription of the proceedings. That

19 transcription will be posted online and will be available

20 for everyone. So it's important that we capture all of

21 the things that you have to say, and Sonja Lane is going

22 to help us do that.

23 I'm honored now to introduce Janice Aldrich.

24 Janice is the choral director at Colton High School.

25 Please join her in singing the National Anthem.

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1 (National Anthem sung.)

2 MR. CASE: Thank you, Janice. At each of the  
3 meetings, it's a real honor to recognize some of your  
4 future conservationists. And coming up here on the side  
5 of the podium are some of those future conservationist.  
6 I'd like to introduce them, and actually we're recognizing  
7 them with awards that I believe the Secretary is going to  
8 hand out.

9 The first group that you see here is from  
10 Campfire USA, the San Andreas Council. They've done lots  
11 of good conservation work. And particularly, there are  
12 two people that we're recognizing for the project they  
13 developed called Trail to the Environment. It was about  
14 recycling and learning about the environment and a real  
15 innovative program that some of the older kids developed  
16 for younger kids to learn from.

17 In particular, there are two people. Austin Day,  
18 who is receiving an award, and Basha Greer is also  
19 receiving an award. That's Austin Day and Basha Greer.

20 The next group are two students from Colton High  
21 School that are being recognized for their academic  
22 achievement in a project that they developed on erosion  
23 and erosion from beaches. Again, another innovative  
24 project. The first winner of the award is Amanda Benner.  
25 And second is Shelly Kozeak. Thank you and



1     congratulations.

2             I'd like to start by giving a little bit of the  
3     overview of the process that we're going to follow.  It's  
4     pretty straightforward.  The process we're going to follow  
5     today, I'll make a few introductions, we'll have some very  
6     brief comments from the podium.  And then we'll start with  
7     -- we have three initial presenters, commenters that will  
8     comment from the microphone.  And then we'll start with  
9     card number one, and go through until everyone has a  
10    chance to speak.

11            As you came in today, you should have received a  
12    card.  My time is up.  You received a card that looks like  
13    this and has a number on it.  What we're going to do is  
14    ask people to come and just start with number 1 and come  
15    up to the microphone.

16            When you come up, if you could state your name,  
17    spell your last name for us so that we make sure we get  
18    that correct, so that Sonja has the correct information in  
19    the record.  If you represent an organization, what that  
20    organization is and the city and state that you are from.

21            If you're not comfortable speaking today, we  
22    encourage you to go online, send a fax or send a letter.  
23    And all that information on how to send that information  
24    via fax or e-mail or via regular mail is on this card.

25            As you can see, there are quite a few people here



1   that would like to comment today, so we're not in a  
2   position where we can have a question-and-answer kind of  
3   give and take. It's really designed to listen to what  
4   have you have to say.

5               But I am going to have to limit everyone to two  
6   minutes. I'll wave this card suddenly or not so suddenly  
7   when your two minutes are up, and you'll have another 30  
8   seconds to wrap up. And at that point I'll ask that you  
9   please step down.

10              I apologize in advance for cutting you off. You  
11   know, as most of us, I was taught it's rude to interrupt  
12   people when they're talking, and little did I know it  
13   would be my job to interrupt people. So I do apologize in  
14   advance. I don't like doing it.

15              But in the interest of giving everyone a chance  
16   to speak before the group that we have on the stage today,  
17   I want to make sure that everybody does get that chance.  
18   My role, of course, is to keep everything moving along,  
19   and also to make sure we stay on topic. Of course the  
20   topic today is cooperative conservation.

21              There are, on the back of that card, a list of  
22   questions that were sent out in advance announcing the  
23   meeting, kind of framed up the discussion. Obviously, we  
24   want you to stick to the topic of cooperative  
25   conservation. And you don't have to necessarily address

1 each one of those questions.

2 I mentioned that we don't have time for a  
3 give-and-take and question-and-answer period, but there  
4 are a number of people here, following the meeting, that  
5 could answer your questions. I'd like to recognize some  
6 of those folks and ask them if they can stand up and raise  
7 their hand in case you have questions.

8 In no particular order, first, Jennifer  
9 Rustigian. She's a district representative for  
10 Congressman Joe Baca. Thanks, Jennifer.

11 Bob Christman is the mayor of Loma Linda.

12 Jim Fletcher of the Bureau of Indian Affairs,  
13 superintendent So Cal agencies.

14 Jim Abbott is associate state director for the  
15 Bureau of Land Management.

16 Steve Borchard, the desert district manager for  
17 the Bureau of Land Management.

18 Jean Wade-Evans with the US Forest Service, the  
19 San Bernardino National Forest.

20 Janet Scott is the district representative for  
21 Congressman Jerry Lewis.

22 David Varnam is district representative for  
23 Congressman Gary Miller.

24 And San Bernardino County supervisor, Josie  
25 Gonzales.

1           And the director of the Southern California  
2 office for the US Environmental Protection Agency, Steven  
3 John. This is the best group of folks gathered today.

4           It's my great honor and pleasure to introduce the  
5 Security of Interior, Dirk Kempthorne.

6           MR. KEMPTHORNE: Dave, thank you very much. I'd  
7 like to just extend the introductions by three more  
8 people. This is a real pleasure for me, my brother James,  
9 my brother Mark and my sister-in-law Pam. Very nice to  
10 have you here. I believe we're having dinner tonight.

11           The president asked me about five months ago if I  
12 would serve as the secretary of Interior. Prior to that,  
13 I was governor of Idaho. I was a member of the United  
14 States Senate. I thought one particular situation that  
15 occurred when I was senator might apply here.

16           I was, at the time, brand new to the United  
17 States Senate. I was a rookie. I was a member of the  
18 Senate Armed Services Committee. And because I was new, I  
19 thought you were supposed to go to your committee  
20 hearings. I was the only republican that was there, none  
21 of the democrats were there.

22           And I was sitting -- it was a horseshoe table. I  
23 was sitting down at the far end because it's based on  
24 seniority. I was sitting my myself.

25           John Glenn was speaking. I think he's one of the

1 great American heroes. And anyway, he was making some  
2 very good points on a particular issue, and I just thought  
3 he made a lot of sense. He was concluding his remarks  
4 when a staff member behind me leaned forward and he said,  
5 "Senator, do you realize you have all of the proxy votes  
6 of the other republican senators?" I said, Y're kidding."  
7 He said, "Oh, no, sir."

8 So John Glenn wrapped up his comments and then he  
9 made a motion for adoption. I didn't know this, but he'd  
10 done this for the last three years and it never passed.  
11 Never had support from his fellow democrats. So after his  
12 motion, there was this long silence and it was going to  
13 die for a lack of a second. So I said, second the motion.

14 At that point, they all looked up. But it was no  
15 big deal because it was the new guy. They called roll,  
16 starting with Sam Nunn, who was the chairman at the time,  
17 and then they just went down the list of calling roll.  
18 Senator Levin? No. Senator Lieberman? No. Senator  
19 Kennedy? No. Senator Glenn? Aye.

20 Then they finished calling the other democrats,  
21 they called the republicans. Senator Thurman? I said,  
22 aye by proxy. Senator Warner? Aye by proxy. Senator  
23 McCann? Aye by proxy. Every time they called a name, I  
24 voted. Senator Kempthorne? I said, aye.

25 Well, they tallied the vote and John Glenn won.

1 With that, the chairman immediately adjourned the meeting  
2 and everybody went out in the hall. And when I went out  
3 in the hall, John Glenn was standing down there waiting  
4 for me. So as I approached, he said, "Who are you?" I  
5 said, "I'm your new best friend."

6 But I imagine some of you are saying, well, who  
7 are you? I have my current position, but I also was a  
8 graduate of San Geronimo High School, student body  
9 president there. And some friends from San Bernardino  
10 High School who were here. I was a student at Valley  
11 College. This good place. A good part of the country.  
12 You can be very proud of what's taking place here.

13 At the Department of the Interior, we have many,  
14 many challenges, many issues on the platter. We have  
15 jurisdiction over one-fifth of the United States of  
16 America. The land and waters, we managed to produce  
17 one-third of our domestic energy. We provide water to 31  
18 million Americans. We manage relations with 561 Indian  
19 tribes. We help protect citizens from forest fires and  
20 natural hazards, and we serve some 470 million people who  
21 visit our national parks, our wildlife refuges, and other  
22 public lands.

23 We have many partners at the state and local  
24 level who care deeply about all of these issues, about our  
25 environment. Without the help of these citizen stewards,

1 we cannot possibly achieve our conservation goals. I  
2 don't believe and the president doesn't believe that all  
3 solutions reside in Washington, D.C.

4 And you're proving that right here in  
5 San Bernardino County and Riverside County and in Southern  
6 California with your collaborative efforts on a number of  
7 things, including the Orange County Water District, the  
8 Santa Ana Watershed, the association to conserve and  
9 enhance water supplies in the Santa Ana River.

10 This partnership between local cities and  
11 counties and the private landowners and natural resource  
12 conservation districts has helped conserve valuable  
13 wetlands that support numerous species.

14 Tuesday, I was very happy to award more than \$26  
15 million in conservation fund grants to further assist  
16 Californians in their cooperative conservation efforts,  
17 including \$12 million for the Western Riverside County,  
18 Multi-species Habitat Conservation Plan.

19 This grant will fund the acquisition of about 450  
20 acres in the San Jacinto River area and 128 acres in the  
21 Santa Rosa Plateau areas. It will benefit 18 federally  
22 listed species and protect one of the most ecologically  
23 significant complex Vernal Pools in Southern California.

24 We've done a number of things. But in the  
25 meeting with the President about two months ago, with

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1 other members of the cabinet, he made the point that he  
2 would like us to go out and to meet with American  
3 citizens. To come out here and to hear from you your  
4 thoughts of the cooperative conservation, your thoughts on  
5 stewardship, your thoughts on the environment.

6 And he said, I want you to listen. And then I  
7 want you to come back and tell me, what did you hear?  
8 I've been very impressed with these sessions. They've  
9 been all throughout the United States of America, out of  
10 ten sessions throughout the country, including Alaska and  
11 Maine and Florida. The last one is going to be in Boise,  
12 Idaho.

13 Hundreds of people have come to the microphone  
14 and given us their thoughts. Some are new thoughts.  
15 Others are simply saying, here's what we believe currently  
16 is happening, we like it or we don't like it. We'd like  
17 to know, what is working and what is not working? Are we  
18 being, the federal government, good partners with state,  
19 local and tribal governments? Are we being good stewards  
20 of the land? How are we doing with regard to private  
21 property and landowners, water quality, et cetera? What  
22 can we do better? And how would you suggest that be done?

23 How are we doing with the Endangered Species Act?  
24 Is there enough emphasis on recovery? Or does it appear  
25 that it is simply an act that is heavily weighted toward

1 listing a species and then moving on and a history of  
2 litigation in its wake? How many Species have actually  
3 been delisted? Can we put greater effort on recovery?  
4           So I appreciate very much all of you that are  
5 here today. I look forward to listening to you, making  
6 notes, combining this with the hundreds of other citizens  
7 who have taken the effort to come forward and say what  
8 they believe, as well as 15,000 e-mail messages from your  
9 fellow citizens. It's a major undertaking, but it's a  
10 great process.

11           We're not going to all agree with what may or may  
12 not be the conclusion, but it is a process worthy of the  
13 effort. I remember when I first arrived at the Department  
14 of Interior, I asked one of my assistants, why is it you  
15 like working at Interior? She said, I like it because on  
16 a weekly basis we interact with the White House. But also  
17 on a daily basis, we interact with a ranch house, a farm  
18 house, and houses throughout America.

19           We never forget the individual citizen. And  
20 here's an opportunity for the individual citizen to come  
21 forward and say what he or she believes. So thank you  
22 very much and it's nice to come to this homecoming.

23           MR. CASE: Thank you, Mr. Secretary.

24           Next, it's an honor to introduce Colonel John  
25 McMahon with Army Corp of Engineers.



1           MR. MCMAHON: Good morning. And thank you,  
2 Secretary Kempthorne, for the opportunity to be here, and  
3 the other distinguished panel members to listen and learn  
4 more about cooperative conservation and the issues in the  
5 mind of the public.

6           I'm new on the job. My name is John McMahon.  
7 I've been the division engineer at the South Pacific  
8 Division of the US Army Corp of Engineers since the 4th of  
9 August. And I'm ecstatic about having the opportunity to  
10 be back in California. I went to grad school here in  
11 Monterey back in the mid-80's, and to live in  
12 San Francisco. It's just a wonderful opportunity, and my  
13 wife and I are ecstatic about it.

14           The Corp of Engineers have three districts  
15 serving the state of California, headquartered in  
16 Sacramento, San Francisco and Los Angeles. Although, the  
17 Corp does not play a direct role in the cooperative  
18 conservation grants, environmental stewardship and  
19 remediation are important to all the services and projects  
20 that we do for the nation, including navigation, flood  
21 reduction and the execution of the regulatory program  
22 under Section 404 of the Clean Water Act.

23           In particular, we seek close and cooperative  
24 working partnerships with other members of the federal  
25 family represented here today. Specifically, the United

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1 States Fish and Wildlife Service, the National Marine  
2 Fisheries Service, the Environmental Protection Agency, as  
3 well as the states and local entities implementing our  
4 permitting processes, because all public policy has second  
5 and third order consequences for landowners, business and  
6 local governments.

7           These partnerships are just as important to the  
8 success of our military and civil works design and  
9 construction programs on the military side.

10           You may be surprised to learn that the Corp of  
11 Engineers is entrusted with the care of 12 million acres  
12 of lands and waters in 43 states, including California.  
13 Many Corp managed lands and waters provide high quality  
14 habitat for fish and wildlife, including many of rare  
15 species.

16           The two basic goals of the Corp of Stewardship  
17 are to manage lands and waters to ensure their  
18 availability for future generations, and to help maintain  
19 healthy ecosystems and biodiversity. We also recognize  
20 the importance of working in partnership with other  
21 government and non-governmental organizations to achieve  
22 these goals.

23           The issue of how the federal government can  
24 enhance cooperation among federal agencies in states,  
25 tribes and local communities, and the application of the

1 environmental laws and regulations is of key interest to  
2 the Corp, particularly here in California, with its  
3 incredibly rich biodiversity and increasing challenges.

4 We find ourselves in a world of diminishing  
5 resources and increasing challenges. It's incumbent upon  
6 all of us to find smart ways to share knowledge, to  
7 streamline and integrate our regulatory process for the  
8 benefit of the resources and the regulated public and to  
9 tap one another's capabilities and authorities.

10 I'm honored to be here to listen and learn and to  
11 become more familiar with the critical issues and the  
12 private sector, state and federal roles in protecting,  
13 conserving and managing our national lands, waters and  
14 nature resources for future generations. I look forward  
15 to hearing from you. Thank you.

16 MR. CASE: Thank you, Colonel McMahon. Next is  
17 our next speaker, it's a pleasure to introduce Rodney  
18 McInnis. Rodney is the regional administrator with NOAA  
19 Fisheries.

20 MR. MCINNIS: Good morning, all. I'm here today  
21 -- I am the regional administrator for National Marine  
22 Fisheries Service. My beat is the state of California and  
23 tuna fisheries throughout the Eastern Pacific. I'm part  
24 of the Department of Commerce, and today I am representing  
25 the Secretary of Commerce in this listening session.

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1           The National Marine Fisheries Service and the  
2 Department of Commerce have responsibilities -- share  
3 responsibilities for a lot of the living resources that  
4 support the United States with the Department of Interior.  
5 And most of our species are marine in nature. We have  
6 responsibilities under the Marine Mammal Protection Act  
7 and under the Magnuson-Stevens Fishery Conservation Acts.

8           So we deal mostly with marine critters, however,  
9 we also deal with anadromous. Those fish that spent part  
10 of their life in the ocean and then migrate inland to  
11 spawn and rear. And as such, we've come into contact with  
12 a lot of private landowners recently as those many  
13 populations of Salmon and Steelhead in California have  
14 been listed under the Endangered Species Act.

15           I'm viewed this as sort of a mixed blessing.  
16 I've met a lot of wonderful people who are very dedicated  
17 to making conservation work in their neighborhoods and on  
18 their own properties. And I've also met a lot of people  
19 that are very concerned about how they either react within  
20 or relate with the federal government, especially the  
21 landowners.

22           And this listening session is an opportunity to  
23 hear from the folks on the ground, the people that are  
24 really the ones that we have to win their cooperation and  
25 we all have to work as partners in order to recover

1 endangered and threatened species because the solution has  
2 got to be close to home.

3 But that's enough talking for me, I'm here to  
4 listen to you. I'm looking forward to hearing your  
5 comments. Thank you.

6 MR. CASE: Thank you, Mr. McInnis.

7 Next speaker is the regional administrator from  
8 the US Environmental Protection Agency, Wayne Nastri.

9 MR. NASTRI: Thank you. Good morning. I'm hear  
10 today on behalf of Administrator Johnson, who really  
11 wished he could be here today. I am the regional  
12 administrator for USEPA, Region 9, here in California.  
13 And Region 9 covers California, Arizona, Nevada, Hawaii  
14 and the US territories in the Pacific, so it's a big  
15 region.

16 One of the things that the president tasked  
17 Administrator Johnson with was to increase or to  
18 accelerate the pace of environmental protection, while  
19 maintaining our economic competitiveness. No small task.  
20 And yet, we found that even though we can maintain a  
21 strong regulatory role, we can actually provide bottom  
22 line results when we work in partnership collaboration.

23 And what many of you have found is that by  
24 working together, you actually can complete a project  
25 faster and more efficiently. And I know that we at EPA



1 have worked with many of you, have worked with many of the  
2 branches that we have represented here today, and we've  
3 made great strides.

4 As Secretary Kempthorne said, we're here to learn  
5 and to listen so that we can do a better job for all of  
6 you. And that's what I'm here for. I really look forward  
7 to hearing your comments. And with that, I'm keep my  
8 comments short and turn it back over to Dave.

9 MR. CASE: Thank you, Mr. Nastri.

10 At each of the these listening sessions, we have  
11 a future presentation, a brief presentation, on a local  
12 project that captures the spirit of cooperative  
13 conversation.

14 It's my pleasure right now to introduce Paul  
15 Jones. Paul is the president of the nature preserve of  
16 Orange County, and also the general manager of the Irvine  
17 Branch Water District. Mr. Jones.

18 MR. JONES: Good evening, everyone. First, I'd  
19 like to thank and express my appreciation to the  
20 Department of Interior for sponsoring these cooperative  
21 conservation listening sessions. And particularly, to  
22 Secretary Kempthorne and the other distinguished public  
23 officials for taking the time to attend and participate in  
24 these important events.

25 I'd like to talk to you today about what I

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1 believe is a very successful example of a cooperative  
2 conservation model, and that is the Central and Coastal  
3 Orange County Natural Communities Conservation Plan,  
4 Habitat Conservation Plan, or NCCP/HCP, which is  
5 administered by the organization I'm representing today,  
6 which is the Nature Reserve of Orange Country.

7           With the listing of the California Gnatcatcher in  
8 March of 1993, and the designation of coastal sage scrub  
9 as its critical habitat, it became very clear to the  
10 landowners, environmental interest, and state and federal  
11 wildlife resource agencies working in Orange County, that  
12 a major opportunity existed in Orange County to assemble a  
13 unique habitat reserve at an unprecedented scale.

14           Moreover, with the passage in the state of  
15 California, the Natural Community Conservation Planning  
16 Act in 1991, and the existence of Federal Endangered  
17 Species Statutes to strictly manage incidental take with  
18 the development of habitat conservation plans. The  
19 statutory framework was also in place to bring these  
20 diverse interests together on this unique plan.

21           The strong resource agency oversight and  
22 biological integrity provided through the HCP process,  
23 balanced with the assurances to landowners of no surprises  
24 once lands were committed and supporting plans were  
25 approved, clearly provided the key emphasis for the



1 formation of this important Southern California Reserve.

2           And once we had the opportunity, once it  
3 presented itself, what was created and why has it been  
4 successful? By background, the Central and Coastal Orange  
5 County NCCP/HCP contains nearly 38,000 acres of total open  
6 space in two large contiguous subregions, namely the  
7 central subregion in the inland foothills that's above the  
8 city of Irvine. And also the coastal subregion, which  
9 surrounds the cities of Laguna Beach and Newport Beach.

10           I brought some maps over there, you might want to  
11 go over and take a look at those areas after I'm finished.  
12 These areas include in total 17,000 acres of wilderness  
13 parkland. And more importantly, 21,000 acres of private  
14 land that has been, or is slated to be through irrevocable  
15 offers of dedication, placed in future public ownership.

16           From a habitat perspective, the reserve includes  
17 literally tens of thousands of acres of coastal sage  
18 scrub, which is the main habitat of the reserve, as well  
19 as high quality areas of chaparral, oak woodland, tecate,  
20 cypress, riparian and grassland habitats.

21           The reserve provides critical habitats for three  
22 very important listed species, the Coast of California  
23 Gnatcatcher, as I mentioned, the Coastal Cactus Wren and  
24 the Orange-throated Whiptail Lizard. But it's also home  
25 to numerous other plant and animal communities that are

1 really unique to the region.

2           What has been important to the success of the  
3 reserve and the collaborative conservation planning and  
4 management is that it was done at a natural community  
5 scale, a very large scale.

6           And that scale required the creation of a  
7 planning management and oversight infrastructure that  
8 included federal and state wildlife resource agencies,  
9 namely US Fish and Wildlife Services and California  
10 Department of Fish and Game, the county of Orange, our  
11 city governments who are involved and own land, the water  
12 and electrical utilities who have land in the reserve or  
13 adjacent to the reserve and facilities through the  
14 reserve, the major landowners, obviously, and  
15 environmental groups and the general public.

16           Ten years ago in 1996 -- and we are celebrating  
17 our 10th anniversary -- these entities came together to  
18 create the reserve with the adoption of the Central and  
19 Coastal Orange County NCCP/HCP. In conjunction with this  
20 action, we also formed a nonprofit public benefit  
21 corporation, the Nature Reserve of Orange County. And  
22 that organization's role is to actively manage and  
23 implement the NCCP/HCP's 75-year Adaptive Management Plan.

24           The Board of Nature Reserve is comprised of 16  
25 members. We're quite open. We have each of the state and

1 federal resource agencies that I previously noted, the  
2 landowners who contributed land to the reserve, the  
3 utilities, city and county government and environmental  
4 groups.

5 But we've also expanded the board to include the  
6 University of California Irvine, a transportation quarter  
7 agency, who has adjacent facilities, the fire authority,  
8 who obviously has responsibilities for fire management,  
9 state parks and forestry agencies and three members of the  
10 public who represent interests like Trails 4 All, which is  
11 one of the groups we have represented.

12 Truly, everybody who touches the reserve is  
13 represented in some way. And in fact, we constantly seek  
14 people who want to help and work with the reserve to come  
15 in and we'll give them a good work assignment.

16 The reserve uses two key programmatic tools to do  
17 our management. That's our monitoring program, which is  
18 an extensive research that we use to track yearly  
19 fluctuations and long-term trends in native birds,  
20 reptiles, small mammals, carnivores, as well as our plant  
21 community composition and our species recovery activities,  
22 as well as the use of our wildlife corridors.

23 We then use this data in an adaptive management  
24 plan that has three basic plan elements. First, our  
25 restoration plan, and this is where we place quite a bit

1 of our emphasis. We salvage, replant, reestablish, the  
2 greater portions of the reserve. And we also focus quite  
3 heavily on the removal of non-native plant and animal  
4 species, such as artichoke thistle, velt grass, cowbirds  
5 and African Clawed Frogs, my favorite.

6 We also have a recreation plan where we really  
7 promote low-impact activities in the reserve in very  
8 limited locations. In fact, there's great areas of the  
9 reserve that do not have public access directly. And what  
10 we try to promote is carefully managing community  
11 enjoyment without damaging the native plant communities.

12 Finally, we have a fire management plan, where we  
13 promote the restoration of the natural fire regime and  
14 measures to avoid catastrophic fires. These programs are  
15 managed by our executive director, Lynn McAfee, who is  
16 here today; and also, with the biological staff and input  
17 through a technical advisory committee we have of the  
18 stakeholders. Which includes biologists, resource agency  
19 representatives, environmental community members and land  
20 managers.

21 To understand this take effort, the participating  
22 landowners made a significant contribution, not only of  
23 land, but also a multi-million contribution to an  
24 endowment that generates the revenue necessary for us to  
25 undertake these programs. So we have very active

1 programs, as I mentioned earlier.

2 Our other public agency members very generously  
3 give staff time and other important resources, ranging  
4 from things from mapping services, office space. We let  
5 anybody contribute who wants to contribute, we'll take it,  
6 it all makes it work.

7 And what about the results? After ten years of  
8 operation, we've seen extremely promising monitoring  
9 there, via with the overall help of the reserve and the  
10 disposition of the species of concern is an excellent  
11 condition. We've also seen the size of the reserve  
12 incrementally increase and habitat values through our  
13 minor amendments in management efforts also increase.

14 And finally, we've seen some extraordinary  
15 commitments in coordination between the stakeholders, and  
16 these are people who historically have had advisory  
17 relationships at times. But we've had a real commitment  
18 to our important goal and that's to protect and enhance  
19 the full spectrum of the native plant and animal species  
20 in the reserve.

21 I'd like to say the integrity of the reserve, and  
22 the integrity of this work, and our biological work is  
23 really the hallmark of our true success. Have we had  
24 setbacks? Sure, we've had setbacks. One of the setbacks  
25 happened before the NCCP/HCP was actually adopted. That

1 was the Laguna fires of 1993, which devastated a  
2 substantial portion of the reserve and required that we do  
3 some special management plans to recover that area.

4           However, the results have been some interesting  
5 surprises. One, for example, is we've seen some of  
6 individual landowners undertake individually some very  
7 extraordinary projects and some diligent efforts to  
8 enhance the reserve.

9           These are the included things, like one of our  
10 landowners brought funds and we had a problem with our  
11 cowbird trapping program. We wanted to step it up a  
12 little bit. They just went out and helped us fund, buying  
13 additional traps and setting those out. This was an  
14 individual landowner.

15           We've also seen landowners really take kind of a  
16 stakeholder ownership role. And when they've had  
17 authorized, incidental take, they really made  
18 extraordinary efforts to absolutely minimize that take.  
19 And I think that was a surprise.

20           We thought that people who had authorized take  
21 would use that take, and we've seen it very judiciously  
22 used. So it's been quite a benefit.

23           So as I close, I'd really like to consider why  
24 the Central and Coastal Orange County NCCP/HCP has been an  
25 exceptional success. Yes, I think it's due to the

1 commitment of the biologists, the managers and the  
2 participants who've shown that the adaptive management  
3 plan can work to maintain and enhance the healthy habitats  
4 that support the endangered and threatened species in the  
5 reserve.

6           And yes, I think it's successful because of the  
7 scale. Certainly, with over 38,000 acres provides us with  
8 the opportunity to conserve species on a very large,  
9 contiguous scale rather than a bush-by-bush,  
10 hillside-by-hillside scale, which I think is far inferior.

11           And yes, it's successful because the public and  
12 private entities, the county of Orange, the Irvine  
13 Company, Edison, Irvine Ranch Water District made  
14 substantial commitments of land and then financial  
15 resources to continue that monitoring and active  
16 management of the reserve.

17           And certainly it's successful because of the  
18 trusted partnership that characterizes the relationship.  
19 But none of these reasons alone, the scale, the  
20 commitments, the cooperation of why the reserve has been  
21 so successful. Because none of them could have come to  
22 pass without the assurance and the certainty that were  
23 understood to be provided as part of the NCCP/HCP  
24 implementation process.

25           Without the certainty of the no-surprises,

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1 without the equitable arrangement that could be counted on  
2 by those landowners to put that land in the reserve, it's  
3 questionable whether I would be standing here today and  
4 saying that the conditions for the Gnatcatcher in Central  
5 and Coastal Orange County are better today than before the  
6 reserve was formed.

7           We want this unparalleled success to be repeated  
8 and be a model for cooperative conservation throughout the  
9 nation, and that's something we very much want. The  
10 federal government must continue to support what we've  
11 worked for and undertaken here, and assure that the  
12 regulatory assurances for the development of such plans  
13 are maintained. And that these assurances stand even  
14 after changes to current recovery planning and critical  
15 habitat processes are implemented.

16           The Central and Coastal NCCP is a testament to  
17 what cooperation and collaboration can accomplish. If  
18 it's to be replicated across the nation, however, the  
19 successes have to be able to demonstrate that we've been  
20 able to demonstrate here. It must be facilitated in  
21 regulation and legislation for the benefit of our natural  
22 environment, and those who want to protect it. Thank you  
23 very much. I appreciate the opportunity to be here.

24           MR. CASE: Thank you, Mr. Jones.

25           Now, it's time to listen to your comments.

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1 Before we get to card number one, we have three people  
2 that we're going to ask to give opening comments. First,  
3 is Ryan Broddrick. He's the director of the California  
4 Department of Fish and Game.

5 MR. BRODDRICK: Thank you, Dave, Secretary  
6 Kempthorne, Colonel McMahan. Wayne Nastri, good to see  
7 you again. Rod McInnis. I'm Ryan Broddrick, the director  
8 of the Department of Fish and Game. And on behalf of  
9 Governor Schwarzenegger and Secretary Mike Chrisman,  
10 welcome. I understand you're just coming home, so welcome  
11 home as well.

12 It's a pleasure to be here. I think you'll find  
13 in the course of the day there will be ideas and examples,  
14 illustrations from the audience that both inspire and  
15 humble. They certainly do me from the standpoint of  
16 conservation.

17 Cooperative conservation in California, and  
18 Mr. Secretary, you referenced the \$26 million was coming  
19 to California I think out of a total of \$67 million  
20 related to habitat conservation plans. California is a  
21 state that has its own particular Endangered Species Act.

22 We have formed a union, a partnership between the  
23 Natural Communities Conservation Plan Act and the Federal  
24 Habitat Conservation Plans. And in fact, I think that  
25 almost a third of the national dollars that are coming to

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1 California are functioned certainly of the leadership at  
2 the local level and the partnerships that are built  
3 between local government, local interest groups, the state  
4 of California and the federal government. So that is a  
5 key compound in California.

6 It is, I think, as Paul described, after the  
7 regulatory tensions and the various due diligence and  
8 people making a determination that this is more  
9 predictable and sustainable than the uncertainty of  
10 litigation, that those plans provided important framework.

11 The cooperative conservation is occurring once  
12 those agreements are made. The cooperative conservation  
13 is much broader in California than just the HCP's and  
14 NCCP's. We have dramatic working landscapes. I've got an  
15 incredibly diverse state, nearly 37 million people,  
16 depending on the day.

17 It's the sixth largest economy in the world, 1100  
18 hundred miles of coastline, incredible diversity of  
19 wildlife, and incredible diversity of people and an  
20 incredible willingness to take care of conservation and  
21 promote conservation issues in their local communities.

22 And that cooperative conservation message and  
23 what we structure and what you take back to the president  
24 I think is critical. If I look at the \$26 million that we  
25 received for implementing habitat conservation plans,

1 NCCP's both acquisition and planning, that's incredible.

2 That's fantastic.

3 But you need to know we've also matched that with  
4 billions of dollars of money from the state. Not because  
5 I had it in my budget, but because the voters in the state  
6 of California, since Prop 204, Prop 12, Prop 13, Prop 40  
7 and Prop 50, and another proposition on our November  
8 ballot are willing to invest in issues that talk about  
9 parks, that talk about wildlife, that talk about water  
10 quality.

11 So it's the motivation of the basic voter in  
12 California that is providing us with some of the financial  
13 means to meet, exceed and match these cooperative  
14 conservation opportunities. Whether they be pure  
15 regulatory or whether they be more on a working landscape  
16 basis where we're not dealing with just endangered  
17 species.

18 The State Wildlife Grant Program in this state, a  
19 program that was developed about three, four years ago,  
20 Texas, California and Florida are capped as states and  
21 receive \$1.5 million a year in that program. 1.5 versus  
22 26, this is one example.

23 Yet, the cooperative conservation projects that I  
24 deal with as a member of the Wildlife Conservation Board  
25 and as a partner with other NGO's, private landowners and

1 the federal government, literally generate billions of  
2 dollars for the project.

3 Projects that take a state funding of a million  
4 dollars and I leverage it to \$14 million. Corp of  
5 Engineers establish one of the 1135 projects probably in  
6 the West in the Sacramento Valley, 3300 acres. We've  
7 built that now to 14,000 acres.

8 So in the cooperative conservation arena, it's  
9 not driven by the regulatory premiss of Endangered Species  
10 Act, but certainly you can compliment it. But there's  
11 huge opportunity there and I desperately need your  
12 interest and you participation in making the regulatory  
13 framework, along with the cooperative conservation and  
14 voluntary partnerships. Not from the standpoint we won't  
15 have a metric, we have to measure success, we have to have  
16 credibility.

17 But the cooperative conservation opportunities in  
18 this state are massive. Regulations, NCCP -- and Paul can  
19 correct me if I'm wrong -- but that was driven because  
20 people made a judgment that for conversion of land, from  
21 the pasture to a condominium, or whatever the transaction  
22 might be, there was a significant economic incentive and  
23 ability to invest money in the conservation because of the  
24 conversion.

25 This state has beautiful, diverse landscapes that

1 are working landscapes, some owned by the public, some  
2 owned by private, a huge potential network of where we can  
3 have cooperative conservation, we can establish long-term  
4 stability for fish and wildlife resources, maintain our  
5 economy, but not rely on that rapid economic conversion  
6 where you're getting a 70-to-1 return to finance the  
7 conservation.

8           So as you take the message back, thank you very  
9 much for being here, it is an election year and it's the  
10 last week for signing bills in this state. But it's my  
11 pleasure to meet you and have you here. I think you will,  
12 once again, be inspired.

13           And I know I learn more from these meetings from  
14 the public than I certainly do -- than they learn from me.  
15 And I think it'll also -- I also walk away a little humble  
16 at the commitment of the public and it makes my job  
17 easier. So thank very much for being here.

18           MR. CASE: Thank you. Next is Deirdre Bennett,  
19 the mayor of the city of Colton.

20           MS. BENNETT: Thank you. Secretary Kempthorne,  
21 ladies and gentlemen, welcome to the Inland Empire and  
22 thank you for this opportunity to share some of the  
23 real-world concerns associated with the impacts of habitat  
24 conservation, the Endangered Species Act and how local  
25 communities cope with the tremendous impacts of these

1 federal mandates.

2 Before I start, I'd like to thank Julie McDonald  
3 from Washington, D.C., Paul Hanson, Jim Bartel, the  
4 manager of the Carlsbad office and his staff, for working  
5 with us to turn this issue around. I was newly elected in  
6 1993 when the Delhi Sands Loving Fly was first listed on  
7 the Endangered Species Act.

8 Since that time, I have been frustrated, I've  
9 been angry, I've declared war on the Endangered Species  
10 Act. And at this time, I am in a position where I'm very  
11 hopeful that our government and our community can come out  
12 the winners in a resolution.

13 My name is Deirdre Bennett. I am the mayor of  
14 the city of Colton, a community that has been adversely  
15 impacted greater than any in the Inland Empire when it  
16 comes to the affects of species protection. As you are  
17 likely aware, the Delhi Sands Flower Loving Fly is an  
18 endangered species listed for protection in 1993. Right  
19 around the time that a regional county hospital was being  
20 constructed in the city of Colton.

21 In listing the species, the federal government  
22 made findings that claimed that the Delhi Sands Fly was  
23 indigenous to the Inland Empire, with key soil conditions  
24 from Ontario and Mira Loma on the west to Colton and  
25 Riverside on the east.



1           Immediately, protection was required, according  
2   to the experts, because the development was transforming  
3   the soil conditions required to support the fly. Assuming  
4   you flew into Ontario, you probably noticed a couple of  
5   key facts. First, there is a thriving economy too and  
6   regional airport developing in that community where there  
7   aren't new housing tracts developing, there are several  
8   feet of manure piled on what used to be the Delhi Sands.

9           And yet, in 1997, when the Species Recovery Plan  
10  was adopted by the federal government, it revolved around  
11  an approach that included three recovery units. The first  
12  being the Ontario Recovery Unit, one in the hills of south  
13  Fontana called the Jurupa Recovery Unit, and one in  
14  Colton, Rialto and Riverside County called the Colton  
15  Recovery Unit.

16           As can be seen from the map of the region, which  
17  I presented as part of the record, a vast majority of the  
18  historical expanse of Delhi soils, shown in the darker  
19  shading, was found in the Ontario Recovery Unit. Yet  
20  contrast that map with the one showing the current habitat  
21  set-aside and the story is rather telling.

22           A vast majority of the habitat set-aside is  
23  occurring in the Colton Recovery Unit at the expense of  
24  our local economy. Not surprisingly, this habitat  
25  set-aside has had a tremendous impact on the city of



1 Colton. The clearest way to demonstrate this impact is  
2 through examination of the median incomes of the various  
3 communities where habitat set-aside is taking place.

4 The community where the greatest amount of  
5 habitat is set aside has the lowest median income and that  
6 community is my city. Now, some might argue that's the  
7 cause and effect here, but nonetheless, the numbers tell  
8 the story. This environmental injustice must stop.

9 Now, in addition to the set aside of habitat, the  
10 1997 Recovery Plan also identified a number of critical  
11 steps that must be taken in order to recover the species.  
12 One of these key components back in 1997 was captive  
13 breeding. It was the opinion of the experts at that time  
14 that without a captive breeding program being  
15 implemented -- well, here's the phrase from their  
16 document:

17 "Immediate management of its habitat and the  
18 initiation of a captive breeding program, as prescribed in  
19 this recovery plan, are needed to prevent this animal's  
20 extinction in the near future."

21 Fast forward 14 years from the listing of the  
22 species, nine years from the adoption of the Recovery  
23 Plan, and you won't find a successful DSF breeding  
24 attempt. There were a number of other initiatives that  
25 were mandated in the Recovery Plan. But quite honestly,

1 to date, it seems that habitat acquisition is the only  
2 strategy being pursued.

3 But what of this habitat? Surely it is being  
4 well maintained and managed and the flight populations are  
5 improving. If you look at the documents that I submitted  
6 early, you can see that those assumptions would be wrong.  
7 Habitat conservation in Colton today looks like a dumping  
8 ground.

9 Homeless encampments, illegal dump rule the day  
10 in these areas of habitat set-aside. And the simple  
11 reason is why the government grabs up the land, they lack  
12 the resources to effectively manage and monitor the  
13 habitat.

14 Your lack of science to effectively study and  
15 promote the recovery of this species also exist. All you  
16 have effectively done is kill our local economy. Go out  
17 to our regional hospital on the way to the airport and  
18 check out the blight yourself. See if you can find  
19 medical offices or restaurants or hotels or housing for  
20 medical personnel or commercial retail, or anything you  
21 would typically expect to find around a hospital of this  
22 magnitude. You won't find any of it.

23 I have to admit, Mr. Secretary, for years our  
24 community response to the fly was to oppose conservation,  
25 fight the recovery plan, de-list the fly. There are still

1 many in our city who feel that way, even to this day. I  
2 think if you were to ask your own folks in the Fish and  
3 Wildlife Service: What is the probability of the  
4 extinction of this species? They would rank it either  
5 likely or high.

6 Well, we have found, as a community, that simply  
7 asking for the fly to go away, for it to be de-listed was  
8 not getting us anywhere. So early this year, we decided  
9 to take a proactive approach by crafting a cooperative  
10 strategy, a strategy whereby the probability of the fly  
11 recovery could be maximized, while the city of Colton was  
12 also allowed to develop the economic base that we so  
13 rightly deserve.

14 We hired additional staff with the specific  
15 experience in dealing with the DSF conservation  
16 strategies. We made several trips to Washington, D.C. to  
17 meet with administration and congressional  
18 representatives. Our city engineer and his staff continue  
19 to education themselves on the fly and its habitat.

20 I believe that our engineers are probably the  
21 foremost experts when it comes to the fly. We hired  
22 consultants to assess the soil conditions in the area. We  
23 had met for months with representatives from Fish and  
24 Wildlife to hear their concerns with an open mind.

25 And finally, we took the initiative to develop a

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1 comprehensive recovery plan for the species called the  
2 Colton Best Management Plan that goes beyond simple land  
3 acquisition to include all elements required for species  
4 recovery. I also submitted the Colton Best Management  
5 Plan early.

6 To step you through the plan, I'm going to ask  
7 our city manager, Daryl Parrish, to take over the balance  
8 of the presentation.

9 But before I do that, I have to tell you, this is  
10 our last hope for cooperative strategy. Without Colton  
11 being able to develop a viable local economy, the  
12 likelihood of the Delhi Sands Flower Loving Fly is lost.  
13 Better stated, this is not good for Colton, it's not for  
14 good for the fly, and our residents deserve better. Thank  
15 you.

16 MR. CASE: Thank you. Mr. Parrish.

17 MR. PARRISH: Thank you, Mr. Secretary. Welcome  
18 home. Ladies and gentlemen, I'll be referring to some  
19 maps and slides that you have in front of you as part of  
20 the record. They're not available for the group here, but  
21 you can see them and hopefully follow along.

22 Thank you for your time this morning. The mayor  
23 has done a fantastic job setting the stage for what began  
24 earlier this year. Today we find ourselves with the  
25 primary responsibility of arriving at a comprehensive

1 solution to the DSF Recovery that would allow Colton to  
2 develop a regional economy.

3           When we started down this path, the city was  
4 wrapped in discussions with the Fish and Wildlife Service  
5 that would have resulted in what we affectionately call a  
6 broken glass economy. And there's a map that illustrated  
7 that.

8           The map before you shows what the service was  
9 requiring earlier this year as land set aside for the DSF.  
10 The service wanted the areas in the green to be  
11 permanently conserved. But as you can see in this map, it  
12 requires substance take of private property and it  
13 bisected major commercial retail blocks, yielding  
14 undervalue of property and undesired uses.

15           To give you an example from earlier this year, we  
16 had a property owner with freeway frontage come to us and  
17 tell us the highest and best use for that property was a  
18 mini-storage project. Frankly, our city council and our  
19 mayor does not accept that, that's not reality from our  
20 perspective.

21           So we decided to reboot and begin anew, starting  
22 with recovery plan that Fish and Wildlife adopted in 1997.  
23 And from our analysis came the belief that habitat  
24 requirements called out in the recovery plan had been  
25 satisfied. The recovery plan for the DSF called out eight

1 populations needed for conservation, ten are in  
2 conservation today.

3           It specified four populations in the Colton  
4 Recovery Unit, two north of the Interstate-10 Freeway, two  
5 south of the Interstate-10 Freeway. What you will see in  
6 the slides is a proposal that establishes and maintains  
7 four populations north of the I-10 alone. While the  
8 habitat set-aside has occurred, what hasn't occurred in  
9 effective management and maintenance of the habitat, the  
10 research and life cycle of the species and the restoration  
11 of the habitat.

12           As the mayor showed early, habitat that is not  
13 properly managed leads to illegal dumping, homeless  
14 encampments, and invasive non-species, non-native  
15 vegetation growth and reduction to the number of species,  
16 hardly what could to be called a successful recovery  
17 strategy. And we have some pictures, some examples of  
18 that habitat in front of you.

19           So the city embarked on the development of the  
20 Colton Best Management Plan, which the mayor referred to  
21 earlier. A comprehensive proposal to the Fish and  
22 Wildlife Service that first and foremost allows the city  
23 of Colton to develop a regional economy to compete with  
24 the booming economies in the area. But most importantly,  
25 if fulfills the mandates of the recovery plan.

1           The proposal establishes four populations north  
2 of the I-10 and it includes city offering land as an  
3 additional mitigation bank. It minimizes private property  
4 take and satisfies the recovery plan.

5           We're almost finished. Now, I mentioned that  
6 this leverages the local economy to provide resources.

7 Here's how that occurs. As the Colton Superblock  
8 Development is allowed to move forward, and that's a  
9 phrase that we came to cooperatively with the service,  
10 believe it or not. Mitigation fees, maintenance fees and  
11 Section 6 funds can be used, along with other mitigation  
12 resources to be leveraged to establish four population  
13 sites, restore them when needed, and monitor and manage  
14 the future of the species.

15           The funding sources will generate upwards of  
16 \$15 million overall, and we believe \$250,000 annually. We  
17 have actually developed a cash-flow model which is  
18 attached. At this time, it's our belief that the species  
19 recovery will have occurred and our best efforts have  
20 failed. Either way, the city of Colton will not be held  
21 hostage for another decade while the fate of the species  
22 worsen due to lack of effective management.

23           We're confident with the cooperation of the  
24 property owners, availability of Section 6 funds, the  
25 endorsement of the environmental community, which we're





1 working on, and improved relationships we have enjoyed  
2 with the service in recent months. The Colton Best  
3 Management Plan will well be underway within the coming  
4 year and will be the best model for cooperative  
5 conservation strategies where both the local economy and  
6 an endangered species will end up better off.

7 MR. CASE: Thank you. I'm going to ask if you  
8 have card number 1 through 10, if you can come up and sit  
9 here so that we don't have to wait for people to walk from  
10 the back of the room. So if you want to speak and you're  
11 number 1 through 10, if you can come up and sit in this  
12 front row. I'm going to step through the process. I'm  
13 going to ask and call the cards in order.

14 If you can state your name, spell your last name  
15 for us, who you represent, if anyone, and where you're  
16 from. I'm going to limit it to two minutes. I'm going to  
17 show you this card, and at two minutes and 30 seconds, as  
18 I mentioned, I apologize in advance, but we'll have to  
19 interrupt you and ask for the next person.

20 We've got quite a few people that would like to  
21 speak today and we want to make sure that everyone gets a  
22 chance to speak. Again, if you don't want to comment this  
23 evening or this afternoon -- or this morning into this  
24 afternoon, there is information that you can comment via  
25 e-mail, via fax or via regular mail. I would ask that if



1 you could turn your cell phones off, I would sure  
2 appreciate it, that would be a courtesy to those speakers.

3 So with that, I'd like to start with number 1,  
4 please.

5 MR. ROCKWELL: Thank you for the opportunity to  
6 speak. Thank you, Secretary Kempthorne and everyone for  
7 being here. My name is Mark Rockwell, that's  
8 R-o-c-k-w-e-l-l. I am the vice president of conservation  
9 for the North California Council Federation of Fly  
10 Fishers. And I work throughout Northern California on  
11 fishery issues to protect and enhance our state's  
12 fisheries.

13 I represent 31 member clubs located from Fresno  
14 to the Oregon border. And these clubs have a combined  
15 membership of about 6,000 members. And the Northern  
16 California Council Federation of Fly Fishers is a subgroup  
17 of the international federation of fly fishers based in  
18 Livingston, Montana. I've been the vice president of the  
19 conservation for the past two-and-a-half years and I've  
20 had the pleasure of working with most of the major  
21 conservation groups, agencies and non-governmental  
22 organizations here in California on conservation issues.

23 Currently, we're involved in approximately 25  
24 separate projects throughout California focused on  
25 improving habitat, increasing spawning capacity and

1 developing more robust fish populations for many streams,  
2 rivers and lakes in California.

3           This state has historically been one of the  
4 primary producers of the Pacific Salmon, with the second  
5 largest run of Salmon on the Pacific Coast at one time  
6 coming from the Sacramento River, as well as other rivers  
7 in the state, the San Joaquin, which the fishery is now  
8 extinct, and the Klamath River of which it is in dire  
9 trouble.

10           At one time, the combined Salmon runs in this  
11 state numbered in the tens of millions, and today we're in  
12 the low one-hundred-thousands, many of which are supported  
13 by hatcheries, rather than natural runs of fish. Two that  
14 I would like to highlight are the Spring-run Chinook  
15 Salmon in California and the California Coho.

16           The Spring-run was once the largest run of Salmon  
17 in California and were distributed in nearly all of the  
18 rivers of the Central Valley and on the north coast.  
19 Their numbers were the millions. Today there are a  
20 limited number of fish, approximately 10,000. At one time  
21 they were under 300. And they reside primarily in one  
22 creek in the north state.

23           The California Coho occupies mostly small coastal  
24 streams and are down to only two percent of historical  
25 levels. Both of these species are listed on both the

1 national and state endangered species list, and they have  
2 been -- there has been much focus on these fisheries to  
3 stabilize and increase their numbers.

4 And we have participated in several projects on  
5 Butte Creek, as well as the Shasta River, a tributary to  
6 the Klamath, designed to improve habitat and spawning  
7 capacity. These projects have involved the Fish and  
8 Wildlife Service, NOAA Fisheries, US Forest Service and  
9 local power companies like PG&E, as well as state and  
10 other non-governmental organizations. They have been  
11 truly cooperative.

12 MR. CASE: Thank you. Time is up.

13 MR. ROCKWELL: That's two minutes?

14 MR. CASE: No, that's two minutes and 30 seconds.

15 MR. ROCKWELL: One thing I would like to say  
16 before I go is that the big issue here, rather than  
17 changing environmental laws, it really revolves around  
18 funding issues. I think the Delhi Sands Fly issue is a  
19 funding issue relative to habitat.

20 And I think many of the things we deal with in  
21 Fish and Wildlife Service are funding limitations. So I  
22 would request increase funding for existing projects like  
23 the Partners Program. Thank you.

24 MR. CASE: Number 2. If you have a statement  
25 that you're reading from and can leave a copy with the

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1 court reporter, that would be great. If you have  
2 additional material that you're not reading from, there is  
3 a box right outside the door that you can leave that  
4 material and make sure that gets entered into the record.

5 MR. FEINSTEIN: Secretary Kempthorne, panel  
6 members, my name is Arthur Feinstein, F-e-i-n-s-t-e-i-n.  
7 I've been a conservationist for the last 25 years. I'm  
8 speaking today for the assistance committee to complete  
9 the Don Edwards National Wildlife Refuge for the  
10 San Francisco Bay. I live in San Francisco.

11 I'm also, this year, the chair for the San  
12 Francisco Joint Venture, which operates under the purview  
13 of the Fish and Wildlife Service, Department of Interior,  
14 and as such, we exemplify cooperative conservation. We  
15 bring together environmental organizations, we bring  
16 together resource agencies, including the Corp, NOAA, EPA,  
17 Fish and Wildlife Service, and we also bring together  
18 businesses.

19 We have the Bay Planning Coalition, who  
20 represents landowners, labor unions, et cetera. We're all  
21 working to restore all conservation in San Francisco Bay  
22 area. But it particularly started off in seeking to  
23 conserve and restore a hundred thousand acres of wetlands  
24 in San Francisco Bay. We do that by working together.

25 It exemplifies, again, cooperative conservation.

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1 But as a conservationist who in -- took part in bringing  
2 in 50,000 of those acres, which we had already either  
3 restored or were working on restoration as we speak. Half  
4 way to our goal, I worked on bringing those lands in and  
5 nothing happened cooperatively. That happened because we  
6 had environmental laws, we had the Clean Water Act, we had  
7 the Endangered Species Act.

8 In 2001, Cargo Salt sold 16,000 acres to the Fish  
9 and Wildlife Service in California State agencies of their  
10 salt ponds so that we could restore them to title  
11 wetlands. Cargo did not do that just for the hundred  
12 million dollars that they received, which is lot. But in  
13 San Francisco Bay, that was worth a whole lot more. They  
14 did it because we sued them.

15 We fought them at the regulatory level and we  
16 made them understand that it was to their benefit to seek  
17 an end to this conflict that they had for 50 years with  
18 the environmental community and the resource agencies,  
19 because we had endangered species that were disappearing  
20 as a result of that transformation.

21 30 seconds. Okay. That's one example. One  
22 other example, and this was on the front page of real  
23 estate section of the San Francisco Chronicle just last  
24 month. We brought to the table a developer of a thousand  
25 acres of an aquatic resource of national importance

1 according to the EPA, Fish and Wildlife Service. We were  
2 successful in working with the developer.

3 I went to their office and said, how about just  
4 keeping 20 percent of this land and we can cut a deal. It  
5 took two years of negotiation but we did that. They threw  
6 in a million dollars and another thousand acres of land  
7 that they owned. As a result of that negotiated process,  
8 which resulted in now, cooperative conservation. But we  
9 didn't get there without the tool of having Red-legged  
10 Frog and Alameda Whipsnake endangered species and Redlands  
11 on their site.

12 The two need to work together. You need a strong  
13 Endangered Species Act, a strong Clean Water Act and a  
14 cooperative mental attitude to bring everybody to the  
15 table to have a happy resolution. Thank you very much.

16 MR. CASE: Thank you. Number 3.

17 MR. GRAHAM: Good morning. My name is Sarran  
18 Graham, and it's G-r-a-h-a-m. I'm the president of the  
19 Chamber of Commerce in the city of Yucca Valley. We have  
20 more than 475 members. Our high desert town borders  
21 Joshua Tree National Park. Our businesses depend on the  
22 park visitors, and the park itself contributes greatly to  
23 the quality of life that we enjoy in the high desert.

24 We are supportive of the national parks'  
25 Centennial Challenge that you, Mr. Secretary, announced

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1 last month. It will take a big effort to restore the  
2 luster to our national parks by the Centennial, so  
3 starting now is very imperative.

4 Having part of the Centennial Challenge emphasize  
5 signature projects is appropriate. But to truly restore  
6 the luster to our nation's crown jewels, we need to  
7 increase the funding for park operations, which I  
8 understand systemwide is around 800 million annually. And  
9 this is really less than what is needed.

10 For Joshua Tree, this means that the park lacks  
11 adequate staff for law enforcement, resource management  
12 and maintenance. The park also needs funding to purchase  
13 holdings from willing sellers and to care for the aging  
14 historical structures, the park roads, and the  
15 campgrounds.

16 We hope that an important first step in the  
17 Centennial Challenge, that the Bush Administration  
18 presents Congress with the significant funding increase  
19 for the park service in the President's 2008 budget.  
20 Regarding cooperative conservation, a perfect example  
21 waiting to take place in the California desert is the  
22 proposed Desert Science and Heritage Center.

23 The park service approved this research learning  
24 center four years ago. It would promote the study of the  
25 desert ecosystem, the culture and sustainable practices.

1 Many academic state agencies and native American partners  
2 are eager to support this initiative, but it can't move  
3 forward without 225,000 in base funding from the park  
4 service to hire two staffers to launch the center.

5 Thank you for your commitment and willingness to  
6 listen, and appreciate you coming back.

7 MR. CASE: Thank you. Number 4.

8 MS. MATSUMOTO: Hello. I'm Sarah Matsumoto, the  
9 field director with the Endangered Species Coalition.  
10 Matsumoto is M-a-t-s-u-m-o-t-o.

11 The Endangered Species Coalition is a national  
12 network of about 375 conservation, scientific, religious,  
13 sporting, hunting and fishing, recreation and community  
14 groups across the country concerned about protecting and  
15 restoring endangered species and their habitat.

16 I have here a letter on behalf of our member  
17 organizations, and I'm going to read just parts of it, and  
18 I can submit it formally for the record.

19 I'm here on behalf of all of our organizations to  
20 ask you not to weaken our nation's important environmental  
21 laws, and to oppose any efforts to weaken the Endangered  
22 Species Act, the Clean Water Act, the Clean Air Act or any  
23 of our other nation's important environmental laws.

24 On behalf of our organizations and the millions  
25 of Americans that we represent, we'd like you to oppose

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1 efforts to weaken our nation's environmental laws.  
2 Cooperative conservation is an important tool for  
3 protecting public lands and open space, restoring habitat  
4 and insuring clean water to our rivers and streams, and  
5 recovering endangered species.

6           However, cooperative conservation is not a  
7 substitute for our nation's environmental laws. American  
8 conservation laws, the Endangered Species Act, the Clean  
9 Air Act, the Clean Water Act and the National  
10 Environmental Policy Act has paved the way for cooperative  
11 conservation by setting goals or protecting our  
12 environment.

13           The Endangered Species Act is a safety net for  
14 wildlife, fish and plants on the brink of extinction and  
15 has helped to recover the American Bald Eagle, as well as  
16 many other of our nation's species.

17           The fact is a new independent federal report has  
18 confirmed the success of this landmark legislation.  
19 According to the government accountability office report,  
20 which was requested by the US representative, Nick Rahall,  
21 the ranking member -- the ranking Democrat on the house  
22 resources committee, along with many other members of the  
23 congress. The conservation tools provided by the  
24 Endangered Species Act have been successful in recovering  
25 endangered species.

1           For conservation to be successful, the federal  
2 government must fully fund corp conservation programs.  
3 And we ask you to fully fund the Endangered Species Act  
4 corp programs, as well as other cooperative conservation  
5 efforts, but not steal from any of the Endangered Species  
6 Act programs to fund cooperative conservation efforts.

7           Existing landowners and endangered species  
8 programs are popular and effective if landowners have  
9 access to them. But they are underfunded, which really  
10 limits participation.

11           In 2006, the administration received 281  
12 proposals for approximately \$17 million for private  
13 landowners stewardship grants, but allocated money for  
14 only 80 of these private stewardship programs.

15           MR. CASE: Thank you.

16           MS. MATSUMOTO: So this is one example of the  
17 need out there for more funding for cooperative  
18 conservation programs.

19           MR. CASE: Thank you. Number 5.

20           MR. GROSS: Good evening. My name is Howard  
21 Gross, G-r-o-s-s. I'm the California desert program  
22 manager for the National Parks Conservation Association.

23           First, I'd like to thank Secretary Kempthorne for  
24 the recently strengthening the national park services  
25 management policies, and also for the enhancement of the

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1 national parka Centennial Challenge last month.

2           The NPC looks forward to working with you to  
3 insure that there's a strong legacy for our national parks  
4 in the second hundred years. A great first step would be  
5 a significant increase for the park services operating  
6 budget in 2008.

7           My main point today concerns a desert issue of  
8 great concern to NPCA, and that is the proposed Eagle  
9 Mountain landfill, which would be surrounded on three  
10 sides by Joshua Tree National park. If built, this dump  
11 would be the world's largest and would severely impact the  
12 resources and values that Joshua Tree National Park was  
13 created to preserve.

14           Most of the trash would come from Los Angeles  
15 County. But Joshua Tree does not have to be sacrificed  
16 since there are other solutions available to meet LA  
17 County's waste management needs.

18           Fortunately, the 1997 BLM approved land exchange  
19 needed for this project to move forward was overturned in  
20 federal court last year, with the judge calling the BLM's  
21 approval arbitrary, capricious and not in accordance with  
22 the law.

23           NPCA is one of the plaintiffs -- and I have a  
24 package of information I'll leave with you. A lot has  
25 changed since this land exchange was approved in 1997. I

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1 think you'll find out that most BLM and park service  
2 employees don't want to see this project happen, and the  
3 towns and the Morongo Basin and the public agree.

4 14,000 Americans have signed a petition opposing  
5 the project. But fortunately the BLM and the project  
6 proponent has appealed the decision to the Ninth Circuit.  
7 But the government has delayed filing its opening brief in  
8 a sense there may be some uncertainty about pursuing the  
9 appeal.

10 So, Secretary, I ask if you could revisit the  
11 Interior's decisions over the last year about this lawsuit  
12 that urges the Department of Justice to not appeal it.  
13 It's not too late. The first brief is due in mid-October  
14 and we'd have no problem with another delay while this is  
15 being considered. Thank you very much.

16 MR. CASE: Thank you. Number 6.

17 MR. THOM: Good morning. My name is Mark Thom.  
18 I'm a senior environmental science student from Redlands.  
19 It's spelled T-h-o-m.

20 I'm actually here to address something that Mayor  
21 Bennett has already brought up. Sorry my voice is a little  
22 rough, I've been yelling a little bit at the football  
23 field. She brought up the fact that for the Colton sand  
24 hills, there hasn't been any habitat restoration done.

25 Speaking to that, my senior research has been on

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1 dune restoration ecology and how it applies to the Colton  
2 sand hills. I've researched on what evasive species are  
3 occurring in the sand hills. And right now you're  
4 correct, there are definitely a lot of invasive species  
5 and it isn't pristine, it looks really not very good at  
6 all.

7 I actually have a background in working with dune  
8 restoration in Northern California. I worked with US Fish  
9 and Wildlife on landfill unit at the Humboldt Bay National  
10 Wildlife Refuge. And I'd like to say there has been  
11 amazing progress in dune restoration in Northern  
12 California.

13 It used to not -- it used to look a lot like the  
14 dunes town in Southern California. We had huge problems  
15 with invasive species, with off-road vehicle use, with  
16 dumping. And through a number of different techniques  
17 that were both high-impact and low-impact restoration, we  
18 have basically moved that to a management level dune  
19 system. Meaning that we had completely -- almost  
20 completely restored it to the point where there's  
21 endangered species on that dune system that are -- that  
22 are doing extremely well. They're flourishing.

23 We're talking about the Humboldt Bay Wallflower,  
24 which is *Erysimum Menziesii* various *Eurekense*, and the  
25 Beach Layia, which is *Layia Carnosa*, are both restored





1 back to where they were originally in the dune system.

2 I'd just like to speak and say that although  
3 there are different kinds of evasive species down here,  
4 many of the techniques are pretty much the same in dealing  
5 with these. And so what I want you guys to take away from  
6 this meeting today is that we -- we definitely -- you  
7 should see hope in the fact that we can restore back to  
8 management level what was once there.

9 It isn't a lost cause. We actually have done it,  
10 I've seen it happen over the past two years. So we  
11 definitely can do that, and I don't think we can do that  
12 without Endangered Species Act. We need the Endangered  
13 Species Act to be able to restore back to where we were.

14 MR. CASE: Thank you. Number 7.

15 MR. PEARCE: Good morning, esteemed members of  
16 the panel. My name is Laer Pearce, that's L-a-e-r,  
17 P-e-a-r-c-e. I'm speaking on behalf of the Coalition for  
18 Habitat Conservation in Laguna Hills.

19 The members of the coalition are active  
20 participants in cooperative conservation, and have been  
21 since the early 1990's. Long before President Bush's  
22 Executive Order, coalition members have set aside nearly a  
23 hundred thousand acres for Habitat for Conservation,  
24 including the acreage in the Central and Coastal NCCP that  
25 Paul talked about.

1           We spent millions of dollars monitoring and  
2     maintaining valuable habitat to assure that it remain  
3     healthy for endangered species, and for our work we have  
4     received recognition. But we've also been sued, we've  
5     struggled with complex regulations, and we face multi-year  
6     delays. That's because the coalition represents some of  
7     Southern California's largest private landowners.

8           We are deeply committed to Habitat Conservation  
9     under the Natural Communities Conservation Plan because we  
10    think these plans should be win/wins for government, the  
11    environment and us. Unfortunately, that's not always the  
12    case, and that's why we welcome these listening sessions  
13    and hope that they'll lead to some real reforms that will  
14    give private landowners incentives, protections and  
15    assurances.

16           If these reforms come soon, cooperative  
17    conservation can succeed. The issues involved in making  
18    this a success are too important and too complex to be  
19    dealt with in two-and-a-half minutes, so we will be  
20    submitting a letter.

21           But let me just say that for half of the  
22    endangered species, 80 percent of their habitat is on  
23    private land, so our cooperation is necessary for ESA to  
24    succeed. We will participate, if we know -- if we follow  
25    all the rules, we'll be protected from litigation, we'll

1 have a clear timeline, and we'll have certainty at the end  
2 of the day cooperative conservation was a good call.

3 We must have assurances that there will be no  
4 surprises, that we won't be forced to give more land or  
5 more funds once our plans are finalized. And we must have  
6 assurances that they'll be a definition of jeopardy that  
7 protects habitat conservation plans.

8 And you can do this through new regulations and  
9 through new guidelines, and I urge you to do it and do it  
10 quickly before the private sector is completely buried in  
11 litigation and regulation. Thank you.

12 MR. CASE: Thank you. Number 8. Number 9.

13 MR. GONZALES: Thank you very much. My name is  
14 Josie Gonzales. I'm the San Bernardino County supervisor  
15 for the 5th district. This being in the 5th district in  
16 the city of Colton, Fontana, Muscoy, Rialto and  
17 San Bernardino are also in my district, all effected  
18 severely by the Endangered Species Act in one form or  
19 another.

20 I'd like to propose that we don't lose sight of  
21 the very immediate needs that we are expressing. Although  
22 there is a general impact, the impacts are very specific  
23 to areas and what is going on economically and  
24 environmentally around each one.

25 I ask you to please continue to support funding

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1 for the park and greenbelt ways that we are working so  
2 hard to promote. The cooperative conservation that you're  
3 -- the approach that you're bringing here to the Inland  
4 Empire is something that's very badly needed. The  
5 economic engine that the Inland Empire represents to the  
6 California State budget is without a comparison. We are  
7 the driving force for the state of California and very  
8 much so for the entire United States.

9           The uneven growth that is taking place because of  
10 the checkered board effect of either development or unable  
11 to develop is a -- has a severe consequence to our traffic  
12 congestion. Because if we are unable to bring the  
13 necessary jobs, provide the necessary homes, people will  
14 commute and traffic decongestion will never be a reality.

15           This balance is something that we need as elected  
16 officials in order for us to develop wise and smart  
17 growth. The productive conservation community efforts are  
18 not present. Cities must have a general fund that allows  
19 them to hopefully exist and provide community services for  
20 their individual cities.

21           If the cities are growing at an unbalanced rate,  
22 Colton, compared to Fontana, compared to Rancho, compared  
23 to other larger cities, then we are going to have people  
24 doing what they know how, and that is look for opportunity  
25 where ever they can find it. And it creates, again, this

1 imbalance.

2 MR. CASE: Thank you.

3 MR. GONZALES: I would like to very simply  
4 propose an assessment plan formula that would take into  
5 effect the amount of take, the amount of time that it  
6 takes to work a conservation habitat plan, and the amount  
7 of the viable growth of the species involved, the cost  
8 that it impacts the given area or city. And then perhaps  
9 come back in a progress report, not only to you, but to  
10 the cities, that we might then measure the viability.  
11 Thank you very much.

12 MR. CASE: Number 9.

13 DR. KRANTZ: Good morning. I am Dr. Timothy  
14 Krantz and I speak to you based upon 30 years of  
15 experience working with Endangered Species Act, both as an  
16 employee of the US Forest Service as a San Bernardino  
17 County planning commissioner, and as a consultant to  
18 developers for whom I have facilitated dozens of  
19 successful endangered species mitigation programs  
20 involving everything from Salt Marsh Harvest Mice and  
21 Clapper Rails in the San Francisco area, to the American  
22 Bald Eagles and the Hawaiian Honeycreepers.

23 I'm presently an associate professor at the  
24 University of Redlands in the environmental studies  
25 program. My experience with ESA began as a biologist and

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1 a consultant to the San Bernardino National Forest where  
2 more than a dozen rare plant species are listed as  
3 threatened or endangered.

4 Thanks to the hard work of the forest service,  
5 these rare plant habitats have been almost entirely  
6 protected by simply fencing off unauthorized dirt roads,  
7 while authorizing off-highway vehicle recreation in  
8 non-sensitive areas to the mutual benefit of both parties.

9 Closer to home, I've had a series of very  
10 positive conversations with Mayor Bennett of the city of  
11 Colton, and the city manager regarding the possibility of  
12 establishing a multiple species habitat conservation plan  
13 area along the Santa Ana River.

14 My mining company, Vulcan Materials, has already  
15 offered to set aside an area of several hundred acres of  
16 Colton sand hills habitat as a mitigation bank for the  
17 Delhi Sands Fly. And if MSHCP were extended to the Santa  
18 Ana River, we would pick habitat for the endangered Santa  
19 Ana River woolly star, a plant, for the Santa Ana Sucker,  
20 a fish, Southwest Willow Flycatcher, Least Bell's Vireo,  
21 and Coastal California Gnatcatcher, all birds.

22 As you've heard from one of my senior students,  
23 Mark Thom previously, this dune habitat can be restored to  
24 accommodate more and better fly habitat, and providing  
25 off-site mitigation for other proposed developments in the

1 area.

2 If this MSHCP had been in place several years  
3 ago, conflicts such as siting the Arrowhead Regional  
4 Medical Center would have been resolved up front and  
5 costly delays avoided to the benefit of Delhi Sands Fly  
6 and the general public.

7 MR. CASE: Thank you. Number 10.

8 MR. QUINN: Thank you, Mr. Secretary, members of  
9 the panel. My name is Tim Quinn, deputy general manager  
10 with the Metropolitan Water District of Southern  
11 California. I'm here representing both Metropolitan and  
12 the Western Urban Water Coalition, a coalition of 25 urban  
13 water suppliers in the western states.

14 I worked very closely with you, Mr. Secretary,  
15 when you were in the Senate on S-1018, which didn't pass  
16 but it was still was the best effort at ESN reform that  
17 we've seen.

18 The coalitions message is straightforward.  
19 Cooperative partnerships are by far the best tools to try  
20 and implement Endangered Species Act in a manner that will  
21 protect the economy of the western states. Metropolitan  
22 has a lot of hands-on experience in implementing voluntary  
23 habitat conservation plans under Section 10 of the act.

24 Let me give you three examples as to why we think  
25 they're so important, two from the past, one from the

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1 future. The first example at Diamond Valley Lake located  
2 just a few miles south of where we are this morning.  
3 That's a \$2 billion facility that currently is holding  
4 800,000 acre feet of water in storage that protects this  
5 economy from drought.

6 That project would have been simply impossible to  
7 implement without coupling it with voluntary HCP's that  
8 created, amongst other things, the Santa Rosa Plateau.

9 Second example, the Colorado River, which  
10 hopefully will be less of a headache for you,  
11 Mr. Secretary, than some of your predecessors in part  
12 because we're implementing the lower Colorado River  
13 habitat multi-species conservation plan, which provides 50  
14 years of assurances for the lower basin state's water  
15 supply and 50 years of conservation for 26 species and  
16 their habitat.

17 The last example I want to mention is from the  
18 future, that's the Bay Delta Conservation Plan that was  
19 mentioned by Ryan Broddrick. The Delta is arguably the  
20 most challenging infrastructural problem facing California  
21 today. The state's -- from a water prospective, the  
22 state's water supply and the environment meet in the  
23 Delta, not always happily.

24 Those conflicts have not been resolved by  
25 peace-filled efforts in the past. We're trying a

1 comprehensive program to do a habitat conservation plan  
2 under federal law, natural community conservation plan  
3 under state law. That's a massive undertaking that  
4 warrants your involvement, in my view, Mr. Secretary. And  
5 Metropolitan is certainly committed to its success. Thank  
6 you.

7 MR. CASE: Thank you. Number 11. If your number  
8 is 11 through 20, if you could come up here, we'd sure  
9 appreciate, it'll speed things up. Number 11. Number 12.

10 MR. GOODWARD: Hello, Secretary Kempthorne and  
11 distinguished guests. My name is Dave Woodward,  
12 G-o-o-d-w-a-r-d. I've lived in the Inland Empire here 27  
13 years, most of that time in Grand Terrace. My daughter  
14 graduated from Colton High.

15 And I'm also the conservation chair for the  
16 San Bernardino Valley Audubon Society, and we have about  
17 1900 members now. We want to urge you to use your  
18 influence to keep the Endangered Species Act and the Clean  
19 Water Act and the Clean Air Act strong.

20 Without these laws, people do not have the  
21 mandate needed to come together to plan and take the  
22 necessary action to protect our environment. Here in one  
23 of the most fastest -- one of the fastest growing regions  
24 in the nation, it's no wonder we are losing open space at  
25 an alarming rate, and this is habitat we can never get

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1 back.

2 Preserving habitat does not just benefit the  
3 plants and the animals that live there, it helps protect  
4 watersheds, it reduces traffic and air pollution, and it  
5 gives us much needed respite in the healing qualities of  
6 an open landscape.

7 And specifically, we'd like you to use your  
8 influence in the following ways: Number one, give  
9 Carlsbad Fish and Wildlife Service office the funding and  
10 staffing they need to do their job. And we'd like you to  
11 open a satellite office in the Inland Empire.

12 Number two, keep critical habitat strong and  
13 ensure critical habitat designations are based on good  
14 science and not on politics.

15 Number three, revive the San Bernardino Valley  
16 Habitat Conservation Plan, which has been dormant. Please  
17 do that in a hurry so we can get some of that conservation  
18 grant money. This year, Riverside County, 12 million;  
19 San Bernardino County, zero. That's the score.

20 Number four, I would like you to somehow help  
21 jump start the acquisition process to buffer the  
22 San Bernardino National Forest. We have large development  
23 projects planned within the forest service boundary, that  
24 if they proceed will be public safety nightmares.

25 And also, I'd like to briefly respond to -- well,

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1 I'll just get on with it, I guess. The two recipient  
2 areas of the conservation grants, both of those areas were  
3 originally established -- did you lift the card up yet?  
4 Okay, I'll talk even faster -- originally established  
5 through enforcement of strong environmental law as the  
6 starting point, followed by collaborative cooperative.  
7 Santa Rosa Plateau started as mitigation, it was  
8 not voluntary. It was mitigation credits owed. And then  
9 through cooperation, they helped -- the Municipal Water  
10 District helped establish the Plateau. Thank you very  
11 much.

12 MR. CASE: Thank you. Number 12.

13 MR. SCOTT: Good morning. My name is Chris  
14 Scott. I'm basically representing agriculture today. You  
15 might want to take a picture, because we're the only  
16 endangered species that's not currently listed. And with  
17 all the current regulations and restrictions going on,  
18 agriculture's viability in Southern California is  
19 definitely imperil.

20 With that said, I'd like to thank you for putting  
21 these groups together. This is one of the first  
22 successful things where we feel like we got an opportunity  
23 to voice issues and concerns. This process has been very  
24 closed-door up until now, and getting cooperation from any  
25 of the resource agencies has been difficult at best.

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1           We are cooperative with these cooperative  
2 agreements. We would like to be more cooperative with  
3 them, but private property of cooperation is going to be  
4 pivotal on some commitments for whole harm's type  
5 agreements.

6           Right now, under this extreme agenda, right now  
7 farmers, agriculture, anybody else is almost forced to  
8 depulpy property to prevent habitat from being established  
9 on areas, water standing, anything else. You have to  
10 protect your issues.

11           I think if there was more cooperative and  
12 understanding, I think these issues could be addressed.  
13 I've going to basically shorten time and try to work  
14 backwards. My goals are today were to influence -- try to  
15 get influence to move for a commitment for more  
16 participation and open-door policy with the resource  
17 agencies.

18           Right now, we have several very encouraging  
19 proactive consensus driven processes within the San  
20 Jacinto Watershed. And the only holding point has been to  
21 success and moving forward is participation from the  
22 resource agencies. We had one individual from the  
23 Carlsbad office that we finally were able to establish  
24 rapport with, and he has since quit and we have not been  
25 able to reestablish rapport.

1           So again, open communication and dialogue and  
2 money to support the ongoing efforts that are already in  
3 place. The money for property acquisition are fine and  
4 wonderful. But when you do not back them up with money or  
5 operational and maintenance, we end up with a whole bunch  
6 of publically owned property, which is in weed abatement  
7 state, and we lose the tax base on that. So support and  
8 backup is critical. And obviously two minutes is not  
9 enough time to cover an issue here.

10           MR. CASE: All right. Thank you. Number 13.

11           MR. GREY: I feel very lucky today to be number  
12 13. Secretary Kempthorne and distinguished members of the  
13 panel, my name is Mark Grey, G-r-e-y is my last name. I  
14 represent -- I'm the director of the environmental affairs  
15 for the Building Industry Association for Southern  
16 California and I represent more than 2,000 members in the  
17 building industry community.

18           I appreciate the opportunity to comment on  
19 cooperative conservation. Good environmental laws and  
20 market-based solutions are important starting points for  
21 cooperative conservation. Unfortunately, today's laws are  
22 outdated and do not protect the environment in the most  
23 efficient or effective ways. Thus, a rarely amenable to  
24 collaborative solutions.

25           I'm here today to share by observations and offer

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1 suggestions on how improved collaboration can improve the  
2 Endangered Species Act. The time has come to update and  
3 improve the ESA. In fact, improvements to the act are  
4 long due.

5 Because 90 percent of all listed species are  
6 located on private lands, there must be a renewed effort  
7 to find cooperative, incentive based solutions if real  
8 progress is to be made. There are a number of steps that  
9 can be taken and I'll define five of those.

10 First, there's improving the data and science  
11 upon which decisions are made. At a minimum, all ESA  
12 decisions need to be complied with the Information Quality  
13 Act, and all data must be made available to the public.

14 Second is improving the implementation of the  
15 Section 7, consultation requirements. Suggested  
16 improvements include defining key regulatory terms, such  
17 as adverse modification and jeopardy. Insuring that  
18 applicants, and other stakeholders affected by Section 7  
19 consultations, are allowed to fully participate. And  
20 clarifying that the reasonable and prudent measures be  
21 within an agency's authority to implement.

22 Additional improvements include definite and  
23 enforceable timelines and greater involvement of the  
24 applicant at all stages.

25 Third is developing critical habitat guidance to





1 insure that an open and consistent designation process is  
2 followed. The process must account for the cumulative,  
3 economic and social impacts, assess the biological value  
4 of the habitats to the species of concern, and encourage  
5 landowner participation by exempting all private property  
6 enrolled in an existing or pending habitat conservation  
7 plan from critical habitat designation.

8 Fourth, facilitating greater involvement of  
9 private landowners and all regulatory enactments including  
10 critical habitat designations and recovery planning.

11 Finally, facilitating and increasing  
12 opportunities for voluntary conservation efforts, to  
13 providing incentives, reducing barriers, developing  
14 programatic permits, maintaining and strengthening the  
15 no-surprises assurance policy and streamlining the  
16 development and approval process for habitat conservation  
17 plans.

18 I appreciate the time today and we'll be  
19 submitting written comments on this as well. Thank you  
20 very much.

21 MR. CASE: Thank you. Number 14.

22 MS. ATHRIDGE: Good morning. My name is Carolee  
23 Athridge and I represent contractors termite control.  
24 We're both a California and Arizona corporation. I speak  
25 to you today as not only a member of the termite industry

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1 but the construction industry as well.

2 I would like to echo Mark's sentiments, and also  
3 get a chance to say that environmental restraints can  
4 place a significant burden on developers, and in turn, all  
5 members of the construction industry.

6 Without cooperative collaboration on ESA reform,  
7 the construction industry and the overall economy can take  
8 -- could be adversely effected. While conservation is  
9 vital, it must be achieved in a way that is not stifling  
10 to the growth and development of our state and economy.

11 The building industry is one that physically  
12 cannot be outsourced. It provides millions of jobs and  
13 revenue within our borders. Let us not unduly burden one  
14 of our most precious industries with unreasonable  
15 conservation regulations. If our economy as a whole is  
16 significantly damaged due to heavy regulation, there will  
17 not be any money for conservation at all. Moderation is  
18 the key in this entire process. Thank you.

19 MR. CASE: Thank you. Number 15. Number 16.

20 MS. ANDERSON: Secretary and gentlemen, my name  
21 is Irene Anderson, that's A-n-d-e-r-s-o-n. I'm currently  
22 an ecologist with the Center for Biological Diversity.

23 And I want to focus today on a successful  
24 cooperative conservation effort here locally that I was  
25 involved with, that resulted in a win/win situation and



1 concerns significant populations and their habitat through  
2 a minimum rich carbonate soils, while allowing for  
3 valuable mineral extraction.

4 The habitat occurs on the desert slopes of the  
5 San Bernardino Mountains on both public and private land.  
6 Our efforts included the county of San Bernardino, the  
7 environmental community, four international mining  
8 companies, claim holders, and two federal agencies.

9 We started our journey in 1999 and finalized the  
10 memorandum of understanding signed by all of the  
11 participants in the spring of 2003. Fish and Wildlife  
12 Services also signed off on the plan.

13 We can achieve our goals of conservation and  
14 mining, but not significant heartburn on all sides. So  
15 why are we all working on this? We were brought to the  
16 table together to workout a solution for plants  
17 conservation, because some of plants were under the  
18 Endangered Species Act protection.

19 But what we ended up with is a comprehensive plan  
20 that not only protects those plants, but a sweep of other  
21 unique and common plants and animals, that benefits their  
22 habitat protection, while awaiting for appropriate mining  
23 in appropriate areas.

24 We incorporated conservation -- common  
25 conservation scientific data, conservation set-asides,

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1 conservation credit mechanisms, regulatory compliance, as  
2 well as revegetation. So where we're at now is waiting  
3 for an infusion of federal funds to jump start the  
4 project.

5 While the \$26 million that Secretary Kempthorne  
6 announced a couple of days ago would benefit Southern  
7 California world-class natural heritage, it's only a  
8 start. Our local cooperative efforts are yet to be  
9 recognized or rewarded.

10 Us local folks are willing to do the heavy  
11 lifting to get into the solutions, but we need support of  
12 our tax dollars through you. Maintaining incentives for  
13 cooperative conservation and the Endangered Species Act  
14 provides -- that the Endangered Species Act provides and  
15 supporting cooperative conservation efforts is the key to  
16 sustaining our natural heritage legacy and maintaining the  
17 level that sustains us as humans. Thank you for  
18 listening.

19 MR. CASE: Thank you. Number 17. Number 18 --  
20 oh, Number 17.

21 MR. KERMODE: I'm small but I am here. My name  
22 is Christa Mann -- or Christa Kermode. I'm sorry, I just  
23 got married. K-e-r-m-o-d-e. And I'm here representing  
24 the Mountain Lion Foundation to support a strong  
25 Endangered Species Act.

1           I am here to speak on behalf of America's lion  
2 listed as nearly threatened by the international committee  
3 on specie survival. And also here speaking on behalf of  
4 the endangered Florida Panther, as well as many Americans  
5 who support the upholding strong Endangered Species Act.

6           The Endangered Species Act provides a vital  
7 safety net for preserving our wild American heritage. We  
8 know that every specie needs a home in order to survive.  
9 And the Endangered Species Act is the most effective tool  
10 we have to protect the habitat needed for recovery of  
11 endangered species.

12           The Florida Panther was actually one of the  
13 forest animals listed as endangered. Had it not been for  
14 the Endangered Species Act and the protection provided for  
15 the Florida Panther and its habitat, it could have just  
16 been one of the many animals lost to extinction had the  
17 Endangered Species Act not been enacted and upheld over  
18 the last 30 years.

19           The Florida Panther, which is estimated of a  
20 population of only 80 individuals, along with many other  
21 important species, are still greatly imperiled. Their  
22 last hopes lies in the protection afforded by the  
23 Endangered Species Act, especially the vital habitat  
24 protections.

25           Many species of wildlife are struggling still

1 today, including the mountain lion as evident by the  
2 increase number of sightings as they become stressed and  
3 compressed in their dwindling habitat.

4 The Endangered Species Act is an important means  
5 of protecting the environment and incredible richness of  
6 our nation's ecosystems. It is a vital safety net that  
7 should be protected and strengthened as we move forward.  
8 We must acknowledge and work through important  
9 conservation issues responsively and cooperatively.

10 But instead, by attempting to weaken the  
11 Endangered Species Act regulations for habitat protection,  
12 we pretend there's no loss of critical habitat, and that  
13 we pretend that a given species is not important. This is  
14 not responsible stewardship of the land. And it is not  
15 responsible stewardship of our American heritage and our  
16 health, which is undoubtedly weak to the health and  
17 preservation of the landscape.

18 And Americans have voted in support of a strong  
19 Endangered Species Act to protect species and their  
20 habitat for current and future generations.

21 As a society, we assume responsibility for the  
22 welfare. Not only the mountain lion and the Florida  
23 Panther, but all wildlife. Animals only do what they're  
24 put here to do. We are the ones with the bigger brains,  
25 supposedly. It's our responsibility to take care of what



1 we have left. Thank you.

2 MR. CASE: Thank you. Number 18.

3 MR. FRIED: Hi. My name is Jason Fried. I'm  
4 with the California Wilderness Coalition and also act as  
5 coordinator for the Alliance for Responsible Recreation.  
6 My last name is spelled F-r-i-e-d.

7 First off, Mr. Secretary, I wanted to thank you  
8 for reversing the Norton changes that she was going to be  
9 making to the national park service management plans. I'm  
10 very thankful that you're preserving and strengthening  
11 those management plans and have stopped the plans as they  
12 were going forward.

13 But there is still a threat that is going on with  
14 our public lands, both our parks and the BML lands in the  
15 California desert. It is another Norton policy, it is her  
16 RS 2477 policies. Those policies are flawed in many ways  
17 and need to be reversed as well.

18 Part of the problem that we have and we face  
19 right here in San Bernardino County is San Bernardino  
20 County back in 2003 asserted over 5,000 miles of RS 2477  
21 claims, that they said they have the right that some day  
22 they may come to you for requests.

23 These lands, half of which are in the Mojave  
24 Natural Reserve and would cut that apart. 700 miles of  
25 that, within the park itself, is in the designated

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1 wilderness areas.

2           You hear a lot of people here talking about  
3 endangered habitat issues. Well, some of these routes  
4 would also cut through desert tortoise habitat protected  
5 areas, as well as other desert plant and animal habitat  
6 protection areas.

7           We are requesting that you reverse these policies  
8 because they would not serve the public well, and we need  
9 a policy that is put forward that protects it. And one of  
10 the things that should be done in any new policy that you  
11 put forward is you should be telling the counties and the  
12 states what other options they have. In most cases, they  
13 have the ability through FLPMA Title V to be requesting  
14 some of these routes and make it more official.

15           FLPMA Title V is a much more modern way. RS 2477  
16 was created back in the 1800's. This FLPMA was created in  
17 1976 and takes into account public accountability and all  
18 the other issues. So we're requesting that you do that.

19           Now, in your confirmation hearings, you were  
20 asked questions about RS 2477, but never really answered  
21 them about whether or not what you're going to do with the  
22 Norton policies, and I'm here to request that you do that.  
23 Obviously, I realize you're not answering questions here  
24 today, but I hope that you would be able to answer the  
25 simple question of: Are you going to be reversing that



1 policy in the future?

2 And since my time is up, I'll let it go at that.

3 One last thing I wanted to do is present you with  
4 something that was produced by the California Wilderness  
5 Coalition in 2003 on the this very issue that deals with  
6 this -- it was dealt with in 2003, so there's some errors  
7 that are in it now because of changes, but it'll give you  
8 a good history here. Thank you.

9 MR. CASE: Thank you. Number 19.

10 MS. EYZAGUIRRE: Hello. My name is Clouda  
11 Eyzaguirre, it's spelled, E-y-z-a-g-u-i-r-r-e. I work  
12 with Audubon California. Audubon California represents  
13 over 50,000 members state-wide, with 48 local chapters  
14 across the state, working on species' protection and  
15 habitat conservation.

16 Audubon California knows from experience that  
17 cooperation with private landowners is the key part of  
18 conserving resources and habitat for wild plants and  
19 animals, and the health of humans. One of our programs  
20 we're very proud of is the Landowner/Stewardship Program.

21 The Landowner/Stewardship Program works with  
22 farmers and ranchers on habitat restoration projects in a  
23 manner compatible with existing agricultural operations.  
24 To date, we've worked in more -- we've worked in four  
25 counties, Yolo, Solano, Imperial and Napa with over 50

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1 private landowners on projects restoring and conserving  
2 habitat on over a hundred thousand acres of oak woodland  
3 native perennial grassland and wetlands.

4           However, we're really proud of this work, but we  
5 know that none of this would happen without a strong,  
6 regulatory framework in the background. This framework is  
7 the Endangered Species Act and the Clean Water Act. These  
8 laws drive cooperative conservation, they bring people to  
9 the table, they bring private landowners,  
10 conservationists, cities and counties to work together to  
11 find solutions to protect the environment, the health of  
12 wild plants and animals and the health of humans.

13           The other thing, the private landowners and water  
14 agencies that we work with are familiar with and support  
15 current regulatory framework and don't want to see it  
16 weakened. Weakening it would punish or disadvantage the  
17 landowners who are doing good conservation work right now.  
18 And in California, there's so many examples.

19           Further cooperation should be encouraged by  
20 expanding programs, like our landowner stewardship  
21 program, which is very dependant on federal funding,  
22 farmer bill programs like EQUIP and WHIP and allotting  
23 sufficient funding for technical assistance from wildlife  
24 agencies for easement restoration.

25           Funding really helps us get ahead of the curve

1 and that's how we prevent these things and really work on  
2 conservation. Here we set a recent example that just  
3 happened this year. In Riverside County, the largest  
4 flock of Tricolored Blackbirds in Southern California, an  
5 endemic species with dwindling numbers was found nesting  
6 in a dairy farmer's field, Ramona Farms. This was just  
7 right near the San Jacinto Wildlife area, but the birds  
8 nested in a farmer's field.

9           Audubon, we approached the farmer and explained  
10 the situation. And the farmer was aware that the  
11 Tricolored Blackbird is a rare species and a potential  
12 listed candidate on the endangered species list. And in  
13 exchange for the value of these 13 acres of wheat where  
14 the Tricolored Blackbirds were nesting, he was willing to  
15 delay his harvest for 27 days.

16           MR. CASE: Thank you. Number 20.

17           DR. MCINTYRE: Thank you. My name is Dr. Wendy  
18 McIntyre, that's M-c-i-n-t-y-r-e. I have PhD in  
19 environmental science and a master's degree in Forestry.  
20 I've worked in the forest industry, forestry consulting on  
21 a number of conservation projects. And now I'm a  
22 professor at the University of Redlands teaching  
23 environmental studies.

24           What I want to talk about today is an endangered  
25 species that was once endangered and now is not.

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1 Mr. Secretary, I grew up the great state of Idaho, 20  
2 miles from the Snake River Birds of Prey Natural area in  
3 Nampa.

4 Back in the 70's when I was in high school and  
5 college, I would take my two younger brothers, 12 and 14  
6 years younger than I, out to this area in the predawn  
7 hours to see the majestic birds in this area, including  
8 hawks, eagles said endangered Peregrine Falcon.

9 One scientist realized that DET was at the root  
10 of the problem with the Peregrine. It was necessary to  
11 take other measures to bring the species back, including  
12 not allowing development in agriculture on the plateau  
13 above the Snake River.

14 Today it's my great pleasure to take my nieces  
15 and nephews and visitors to my state to see this area and  
16 the many more numerous birds that are out there. What  
17 once was an area that had a very small brown BLM sign down  
18 a dusty dirt road now has a huge sign as big as an  
19 exit-ramp sign on the 84 Interstate.

20 And it also houses the World Center for birds of  
21 Prey. Not the Idaho Center for Birds of Prey, not the US  
22 Center for Birds of Prey, but the World Center for Birds  
23 of Prey. This area brings in visitors and tours and  
24 dollars from around the country and around the world.

25 My points are two, the Endangered Species Act is

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1 not incompatible with economic growth and development.

2 And second, what I love and I think what most  
3 people in this room love about my beloved Idaho and my  
4 beloved western United States is the wildness. And what  
5 would the wildness be without wildlife? And where would  
6 our wildlife be without the Endangered Species Act? We  
7 wouldn't have perhaps the Peregrine Falcon, the Bald  
8 Eagle, the Grizzly Bear.

9 The Endangered Species Act is not perfect. And I  
10 don't think that any politician would say that any piece  
11 of legislation is, but it's the only piece of legislation  
12 we have to protect our wildlife. Thank you.

13 MR. CASE: Thank you.

14 MR. KEMPTHORNE: Can I mention one thing? I  
15 choose not to make any editorial comments, this is not  
16 one, it's simply information. But one of the last things  
17 I did as governor, before I knew I was going to go to  
18 Interior, was select the design for the quarter for the  
19 state of Idaho. And on the other side of it, you will  
20 find the Peregrine Falcon because it's a real success  
21 story.

22 MR. CASE: You have some very talented people up  
23 front here but they're not superhuman. We're going to  
24 take a very quick break and we'll reconvene in ten minutes  
25 and start with number 21. Thank you.

1 (Recess.)

2 MR. CASE: We're going to start with 21 through  
3 30, if you can come up here. We'd like to ask Mr. Morris,  
4 the mayor of San Bernardino, to say a few words.

5 MR. MORRIS: Thank you very much. I'm here  
6 simply to greet a hometown boy who has come home to talk  
7 and to engage us in conversation about critical issues  
8 involving the environment.

9 But just to refresh, I met Dirk Kempthorne when I  
10 was a judge and he was a governor. I was in Boise, Idaho  
11 speaking to all of his judges in that great state about  
12 the world of frequent courts and the need to modify the  
13 judiciary to treat those issues that brought people before  
14 the criminal courts, mental health issues and addiction  
15 issues.

16 And the governor was there to greet all these  
17 judges and all these treatment specialists. And as I  
18 walked towards the group and he walked away from the group  
19 he said, I'm from your hometown. I'm a "San G" graduate.  
20 We had a brief sidebar conversation about that. And he  
21 said, you live and work in one of the most important  
22 cities in this nation because it's my hometown, so do well  
23 as a judge. And today as I met him he said, do well as  
24 the mayor.

25 So Dirk, I am here to tell you that I'm doing the

1 best I possibly can to create, as you did in Boise as  
2 mayor of that great city for two terms, a renaissance.  
3 I'm using the term, Operation Phoenix, symbolizing rising  
4 from the ashes of the great mythological phoenix bird to  
5 bring a new life to this city as you did to yours.

6 I'm glad you're here engaging in some  
7 conversation. We talked downstairs about the importance  
8 of protecting our environment in this great 90-mile long  
9 valley. We talked about the important of trimming those  
10 disease-ridden trees from our mountain tops and our  
11 hillsides so that we have a safer environment for those  
12 who live and work and enjoy the outer doors.

13 My view is that you're a well-balanced public  
14 servant who knows where center court is and you'll stay  
15 seated on these critical issues. I greet you and wish you  
16 great success in this remarkably important task. Thank  
17 you very for asking me to say a few words. Thank you very  
18 much.

19 MR. CASE: Thank you, Mayor Morris. Number 21.

20 MR. SWANBERG: Yes. Mr. Secretary and all of the  
21 distinguished panel members, thank you for coming to the  
22 Inland Empire and giving us this opportunity. My name is  
23 Lee Swanberg, S-w-a-n-b-e-r-g. I'm a member of Pomona  
24 Valley Audubon, but I'm speaking on behalf of myself and  
25 my grand kids.

1           Public lands in the United States, parks,  
2   national forests, wildlife refuges, BLM land are both in  
3   quantity and quality one of the things that separates us  
4   from other industrial nation's. With US population  
5   pushing three million, with California's population 36, 37  
  
6   million, these public lands are becoming more and more  
7   important and open space important.

8           My wish is that protection of these lands would  
9   become more non-partizan on behalf of our grand kids and  
10   so forth. Natural areas are great importance, especially  
11   in Southern California. And I have three specific issues  
12   I'd like to mention.

13           The Endangered Species Act has been a successful  
14   tool in protecting both wildlife, but more importantly  
15   habitat. And the many different species, the California  
16   Condor, the Peregrine Falcon, the Bald Eagle, sea otter,  
17   all of those things I think speak to it. Do not weaken  
18   it, keep it strong.

19           Second thing is the interface between the  
20   National Forests in Southern California running across the  
21   northern part of this valley from Rancho Cucamonga to  
22   San Bernardino, and from Corona down towards Murrieta.  
23   Cleveland National Forest. I would hope that some of  
24   those, when the housing developments get up to the edge of  
25   the forest, that there's some access provide.



1           And then finally, the Santa Ana River Watershed  
2   has some great possibilities for habitat improvement, if  
3   we can just get rid of the invasive cane or bamboo that's  
4   down there. It's just very invasive. And if we can get  
5   rid of that, that whole area would be extremely important  
6   for habitat.

7           And finally, as you fly out of here, if you would  
8   just take a look at any direction. Well, if you fly west  
9   you won't see it. But if you fly east or south towards  
10   San Diego, just a tremendous growth that makes, I think,  
11   protection of habitat and open areas very important.  
12   Thank you very much.

13           MR. CASE: Thank you. 22.

14           MR. MOORE: My name is Richard Moore, M-o-o-r-e.  
15   Conservation chair for the Pomona Valley Audubon Society  
16   in Claremont, past president of the El Dorado Audubon  
17   Society in Long Beach. Both groups very supportive of the  
18   Endangered Species Act and the Clean Water Act.

19           The Long Beach group helped establish Friends of  
20   the National Wildlife Refuge at the Seal Beach National  
21   Wildlife Refuge and Wetlands, within the borders of the  
22   Naval Weapons Station in Seal Beach.

23           The weapons are the home to the Brown Pelican,  
24   California Least Tern, the Light-footed Clapper Rail,  
25   Peregrine Falcon and other species and birds. And the

1 wetlands claim that the water is draining into the ocean.  
2 And they are tide pools, which is vital for ocean fish  
3 that breed there.

4 Close by are the Los Cerritos Wetlands in  
5 Long Beach at the mouth of the San Gabriel River. There's  
6 a group very concerned that these wetlands be preserved.  
7 Because up and down the coast of California, it's very  
8 important for various species of plants and birds and  
9 mammals that these wetlands be preserved.

10 I hope that we will have the full cooperation of  
11 the federal government and the Army Corp of Engineers and  
12 the restoration of salt and sea and the Los Angeles River.  
13 It's important for our children and grandchildren that the  
14 Environmental Species Act be preserved and help prevent  
15 eradication of these species that are important to our  
16 lives and livelihood. Thank you.

17 MR. CASE: Thank you. 23.

18 MR. MILLER: Hello. I'm Greg Miller. I'd like  
19 to thank you for the opportunity to speak. First off, I  
20 want to point out I'm an American citizen, I've voted in  
21 every election now for over 35 years. I'm a professional  
22 wildlife biologist. I've been involved in endangered  
23 species issues on a West Coast for over 30 years, though  
24 sometime it seems like it's been since the glacier started  
25 to recede.

1           I'll cut to my first points here. My conclusions  
2 are actually, one, we have got to have stronger laws so  
3 the cooperative conservation works, and we've got to have  
4 much, much better agency funding for all the resources  
5 agencies, the Army Corp, Fish and Wildlife, or any of the  
6 other governmental agencies.

7           Now, I'll get into the talk. Cooperative  
8 conservation works because of the education and passion of  
9 all those people involved. And I've seen it, I've seen it  
10 in the city of Seattle, I've seen it here in this area and  
11 Orange County. It's passionate and they're very, very  
12 involved, and it does work, cooperative conservation.  
13 There's no doubt about it. But it works because it's  
14 backed up by strong environmental laws.

15           The Orange County Nature Preserve was discussed  
16 earlier, but it was pointed out that it was the strong  
17 environmental laws why people came to the table to get  
18 that thing set up. Now, those laws have got to have those  
19 to be able to make this work, and these laws are actually  
20 part of American democracy. They strength democracy by  
21 yielding power to more individuals and more groups.

22           And the reason the cooperative conservation works  
23 is those individuals that previously didn't have the  
24 power, now have it, and therefore, those with greater  
25 power come to the table and they work out cooperative



1     agreements.  Those things we've got to have.

2                 Now, I've been working with the Endangered  
3     Species Act, like I said, for some 30 years.  It is very  
4     successful.  Where I've seen that it doesn't work is  
5     examples like we have here with the Delhi Sands Fly.  
6     There's not good enough funding.  Again, the agencies need  
7     much, much better funding to carry through these mandates.

8                 So those are the two points I really want to  
9     convey.  To make cooperative conservation work, we need  
10    stronger laws and we need substantially increased funding.

11                The question was:  What can the federal  
12    government do to enhance these cooperative programs?  The  
13    first question on our card.  And that is the two points  
14    that I really, really want to convey.  Thank you for your  
15    time.

16                MR. CASE:  Thank you.  24.

17                MR. SCHMIER:  Good afternoon.  My name is Scott  
18    Schmier, S-c-h-m-i-e-r.  I'm with the California  
19    Conservation Corp.  I'm the director for the local  
20    San Bernardino CCC office here in the Inland Empire.

21                And first of all, I just -- for all of you who  
22    aren't too familiar with this, our mission statement is  
23    that we are a work force development program that offers  
24    young men and women the chance to serve their state and  
25    become employable citizens through life skills, training



1 and hard work in environmental conservation, environmental  
2 protect and emergency services.

3           You know, we have a real wonderful working  
4 relationship with a lot of the local federal government  
5 offices, Department of Conservation, Bureau of Land  
6 Management, State Park and Rec, and of course of the  
7 San Bernardino National Forest. We hire young adults from  
8 this community that have put in thousands of hours of  
9 works to combat the pine bark beetle, do timber standard  
10 improvement work. We provide a type 2 fire crew to the  
11 San Bernardino National Forest.

12           I guess my request to the federal government in  
13 general would be to continue to support and enhance  
14 funding for National Association of Service Conservation  
15 Corp programs, AmeriCorp programs. A great benefit of  
16 that federal funding to us is the educational scholarships  
17 that we can provide to our young adults, after they go out  
  
18 and spend these endless hours of hard work protecting and  
19 enhancing the environment.

20           They earn the education scholarships, which  
21 allows them to go on and continue their education. And  
22 it's often in environmental studies. We have a lot of our  
23 corp members that graduate, a lot of them work for the  
24 local BLM offices, a lot of them work now for the local US  
25 Forest Service on hotshot crews. And so it's quite



1 honestly a great Cinderella story and we can't do it  
2 without the support of the AmeriCorp funding and NASCC  
3 programs as well. Thank you.

4 MR. CASE: Thank you. 25.

5 MR. HOLST: Hi, my name is Eric Holst, H-o-l-s-t.

6 I work with the Center for Conservation Incentives, a  
7 program for environmental defense, a national  
8 environmental organization.

9 I'd like to talk to you about the restoration and  
10 native habitat in the recovery of endangered species.  
11 First, a word about our nation's Bedrock Environmental  
12 Laws, the Endangered Species Act and the Clean Water Act.  
13 These laws provide an essential safety net for the  
14 protection of our national heritage, and should be  
15 defended.

16 As such as we value our safety net, we need to do  
17 more. Habitats continue to be degraded and species  
18 continue to decline. So I'd like to suggest that the most  
19 important thing that you can do in response to this series  
20 of listening sessions would be to help build a national  
21 consensus, actually to cultivate a national urgency to  
22 restore native habitat.

23 Environmental defense believes the best way to  
24 accomplish this is by creating additional incentives for  
25 private landowners to engage in the best forms of land



1 stewardship. In order to continue to build this  
2 incentive-based system are existing systems for project  
3 review, which was built to prevent habitat loss and  
4 degradation. It must develop a sensitivity to recognize  
5 projects that are clearly beneficial to habitat and those  
6 landowners willing to engage in those protects. And then  
7 as much as humanly possible to encourage them.

8           Three suggestions, then an example. First, we  
9 need to increase funding for on-the-ground restoration of  
10 private lands, and including funding for up-front planning  
11 and technical assistance. Farm Bill Conservation Title  
12 programs are critical in this regard, as is the Partners  
13 of Fish and Wildlife Program. Which in the 2007  
14 president's proposed budget receives a 16-percent  
15 reduction. This is the wrong direction.

16           Second, we need to provide landowners regulatory  
17 assurances such as safe harbor, a tool the environmental  
18 offense helped pioneer. And also quick review -- quick  
19 project review, again, for those projects that are clearly  
20 beneficial to habitat.

21           And third, with regard to our fish and wildlife  
22 and natural resource agencies, they're all suffering from  
23 staff cut backs and climbing budgets. If we're going to  
24 make restoration a national priority, agencies need to be  
25 fully staffed, including some staff -- many staff that are

1 fully dedicated to the staff of restoration.

2 Finally, the example. I just want you to know  
3 about the California Rangeland Conservation Partnership.  
4 I think this is something that you're going to hear more  
5 about. It's a historic agreement among ranchers,  
6 conservationists and agencies dedicated to conserving  
7 working ranches and restoring habitat on these ranches.

8 Key leadership in getting this process going was  
9 provided by Steve Thompson, our local regional Fish and  
10 Wildlife director, defenders of wildlife in the California  
11 Cattlemen's Association. We're lined up, ready to go to  
12 do projects. Help us get them done. Thank you.

13 MR. CASE: Thank you. 26.

14 MR. THAU: Good morning, Mr. Secretary, panel  
15 members. Thank you for all your efforts in helping us  
16 keep what we have, and thank you, all concerned citizens,  
17 for your support on conservation.

18 Here land and water are not free, they require  
19 effort to keep and maintain. You all know that. Second  
20 thing is in cooperation with conservation, together we  
21 thrive, divided we strive. So if you want to make work  
22 harder for yourself, keep your segmented opinions and  
23 create walls, all sorts of things will come to a stop. If  
24 you break them down and work together, good things happen.

25 Second, the first action here now is, stop

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1 sprawl. Get a plane trip from LA to Phoenix then you can  
2 see how the sprawl is heating up the landscape. So stop  
3 sprawl.

4           Second, revise a pincher pass for specific areas  
5 and to help preserve and conserve the back country. Stop  
6 adding roads and improving them. Turns out I went to a  
7 national park and 90 percent of the budget was in roads  
8 and it's really sort of a bummer. Stop the roads and  
9 conservation and preservation takes its own place.

10           And revisit the grazing and reducing wildfire  
11 dangers. I found that in areas where grazing is allowed,  
12 the wildfire or the biomass is reduced, and good things  
13 happen there in keeping the fire suppressed.

14           The intro this morning with the youngsters,  
15 increase public education through Boy Scouts, Girl Scouts,  
16 elementary school and high school programs, continue that.

17           And last, manage the technical initiatives for  
18 helping use waste for energy and useable materials. So if  
19 you make your mess here, clean it up here, don't ship it  
20 somewhere else. And that's for the local folks to get it  
21 together because the feds shouldn't come in because they  
22 didn't make the mess in the first place. If they did,  
23 different problem.

24           And lastly, for your 2025 water study, I gave you  
25 an input on that so you can help work the coastal problem

1 with the desalinization and so forth. Thank you very  
2 much. My name is Thau, T-h-a-u.

3 MR. CASE: Thank you. 27. 28.

4 MS. PIERSON-CRIPE: My is Laurie Pierson-Cripe.  
5 It's P-i-e-r-s-o-n, and second word is Cripe, C-r-i-p-e.  
6 And I'm here on behalf of my father.

7 Let's me share a little bit about my dad with  
8 you. He was raised in Coeur d' Alene, Idaho, taught at  
9 Valley College in Crafton Hills. He was a World War II  
10 vet and also served up in the Carmel area. He loved the  
11 West Coast. And Rod, he actually looked a little bit like  
12 you. So in some ways I feel like I'm looking at my  
13 father's symbol here.

14 My dad, Mel Pierson, also raised four daughters  
15 who all graduated from college. They are all law-abiding  
16 citizens, who pay taxes and vote. He served his church  
17 and community his whole life. He was married to the same  
18 women for 52 years. My dad is a rare breed, an honorable  
19 man whose only concern was his family and his future.

20 You would say that he's an endangered specie of  
21 the human kind. My dad, Mel Pierson, acquired 14 acres of  
22 property on Pepper Avenue in Colton over 30 years ago.  
23 This property was always set aside as he and my mom's  
24 retirement plan for their golden years.

25 Later in life my dad had several strokes, which

1 left him paralyzed. The cost of caregivers ate up much of  
2 the money they had put aside through the years. It was a  
3 big financial hardship to our family.

4           During this time I was able to work with Vanner  
5 Development in selling their retirement piece of property.  
6 We were in escrow two times, both times fell out. And the  
7 plan was basically to put up medical facilities on that  
8 property facing the Arrowhead Regional Hospital, which  
9 would have possibly helped my dad in his later years.

10           On my father's death bed, I actually whispered in  
11 his ear, "Dad, you can go now, it's okay. I have the  
12 Pepper Street in escrow, I'll take care of everything with  
13 mom." He died several hours later. That property has  
14 been stalled by the Fish and Wildlife for years, and to  
15 this day, my mom lives on \$800 a month social security.

16           She is 84 years old. I don't know about you, but  
17 I couldn't live on \$800 a month. For most of us that was  
18 our utility bill this year. Please work with the property  
19 owners to come up with a reasonable plan. Instead, what  
20 we see is this checkered board effect of getting 14 acres  
21 here, 10 acres here, 5 acres here and it doesn't make  
22 sense. It's not a good conservation plan.

23           My suggestion is to put aside a limit of 150  
24 acres, or a reasonable amount where properties can be put  
25 aside. As it is, our property is on a major street by



1 Slover Mountain, between a cannery and a religious center  
2 off of the 10 Freeway, it's not in a wildlife area.

3           This is really a hardship on our family. So I'm  
4 here to represent I don't know how many property owners  
5 there are, but there are other sides to this story. I  
6 don't represent big organizations asking for funding. All  
7 I'm asking is that the Fish and wildlife work with  
8 reasonable expectations of putting aside property and/or  
9 going for bigger properties and releasing the property  
10 north of the 10 Freeway. Thank you.

11           MR. CASE: Thank you. Number 29.

12           MR. LEWIS: My name is Joel Lewis, L-e-w-i-s. I  
13 represent Eastern Municipal Water District. We're  
14 headquartered in Perris, California, and we serve a  
15 550-square-mile area in a population of about 630,000  
16 people in one of the fastest growing areas in the country.

17           I'm here today to draw your attention to a  
18 regionally significant water resource project that we have  
19 developed and have been attempting to run through the  
20 federal permitting garment for the last five years.

21           The project consists of the construction and  
22 operation of up to 100 acres of recharge basins of the  
23 upper regions of the San Jacinto River. A river, like  
24 most in Southern California, that is dry 99 percent of the  
25 time. The project will enable the eastern to recharge up

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1 to 75,000 acre feet a year of Northern California water  
2 that's available during wet periods for use in drought and  
3 dry periods.

4 It will also serve to help settle a 50-year-old  
5 indian water rights settlement, draft -- correct a severe  
6 overdraft condition in that basin. And also, presents an  
7 environmentally preferred alternative to building  
8 additional surface storage and dams in the rest of the  
9 state.

10 The project was recognized by the state and  
11 granted a \$5 million Prop 13 grant. Unfortunately, the  
12 project has been delayed since 2001 due to presence of the  
13 San Bernardino Kangaroo Rat and procedural hurdles  
14 presented by the Endangered Species Act and Section 404 of  
15 the Clean Water Act.

16 I'm submitting the background paper that presents  
17 a detailed chronology of our efforts. But let it suffice  
18 to say now that this process has been neither reasonable  
19 nor efficient. Deadlines established in the law are  
20 seldom met by agency staff. Our general manager had made  
21 several trips to Washington to talk with assistant  
22 secretary of the interior and the Army to keep the project  
23 moving forward.

24 We realize that solutions are not easy, but it's  
25 obvious that increased federal staffing at the field and

1 district offices is needed to implement the laws and  
2 regulations in their current state. Also, consolidation  
3 to reduce the number of agencies involved in the  
4 permitting projects, specifically in non-navigable waters  
5 of the US would be beneficial.

6 Our particular project is being addressed by  
7 three federal agencies and three state and local agencies,  
8 all addressing relatively the same environmental issues.

9 Also, we believe that impacting or permitting  
10 some of the projects that, again, impact non-navigable  
11 waters might be delegated to the state agencies to  
12 increase efficiency, such as done with the Section 403  
13 NPDS permits. So in summary, we support the goals of ESA  
14 and Clean Water Act, but we think the process is broken.  
15 Thank you.

16 MR. CASE: Thank you. Number 30. Those that are  
17 number 31 through 40, if you could come down here. 31  
18 through 40, please, if you'd like to make comment.

19 MS. WENSTROM: My name is Ruth Wenstrom, W-e-n,  
20 as in Nancy, S as in Sam, t-r-o-m, as in Mary. I'm a  
21 federal employee but I'm here as an individual.

22 I've been sitting here listening to everyone and  
23 thinking about -- watching them up here and watch like one  
24 side or the other make their pitch. And I can't help --  
25 this is what got me up here, because I didn't come here





1 with that intent. But I look at them and I think, both  
2 sides have merit.

3           You certainly have merit, your issues are very  
4 real. The city of Colton, your issues are really real.  
5 Your environmental justice issues would break some of our  
6 hearts. The one woman who talked about outside of Joshua  
7 Tree said their business community depends on people who  
8 come there and what they get out of that landscape are  
9 very real. Then we go to the environmentalist who are so  
10 concerned about species. I'm one of those, I like to see  
11 those things, and those have merit too.

12           So I think the way we solve this isn't by some  
13 regulation at the top, it's by getting together locally,  
14 getting the people not one side or the other and having  
15 some bureaucrat decide who's right. I hate to use that  
16 term. But it's about putting the people with the opposing  
17 views in the same room, and they'll come up with the  
18 creative solutions. I've seen it work.

19           We need to focus our efforts on multiple species,  
20 not just single species, so we get habitats and we're not  
21 doing it tomorrow for another species. But what it takes  
22 is local leadership. We've had some fits and starts and  
23 we can do better.

24           But I got to tell you, we've got to keep that  
25 regulatory framework because I'd dare to say these ladies



1 wouldn't be at the table if there wasn't something pushing  
2 them there. And we got to have it or we won't protect  
3 species if we don't have to. I hate to say it, but we're  
4 all cheap and we're all on budget. So it provides  
5 incentives.

6           And I have to tell you also, the rules we have  
7 now give us plenty of room to sit down and collaborate and  
8 work together. So what do we need? When the groups come  
9 up with a creative solution, we need to figure out how to  
10 fund it, that's what missing. People, we need to help and  
11 work with them.

12           The example was given by the woman from the  
13 Center for Biodiversity. It's a case I'm familiar with  
14 the carbonate, plants and mining, and it's stalled because  
15 there's no funding for some of the land acquisitions, and  
16 we to figure out how reward that. And also an example  
17 that's a little bit different take, but it keeps coming  
18 back to my mind, and this also has to do with funding. In  
19 our local mountains here -- and I'm not talking about  
20 Colton because I don't know much about --

21           MR. CASE: Time is up. 31.

22           MR. DAVIS: Good afternoon, Secretary Kempthorne,  
23 members of the panel. My name is Tom Davis, D-a-v-i-s. I  
24 represent the Agua Caliente Band of Cahuilla Indians in  
25 Palm Springs, and I also sit on the desert district

1 advisory council for the BLM desert district.

2 But here I'm talking about speaking on behalf of  
3 the tribe. Agua Caliente is a federally recognized indian  
4 tribe in the Coachella Valley. We are known in this area  
5 as a gaming tribe, a prominent gaming tribe, however,  
6 people don't recognize or understand also that the tribe  
7 is steward of 32,000 acres of reservation land, over half  
8 of which is in a pristine habitat. Palm Oasis, the home  
9 to 23, 24 listed or endangered species, protected species.

10 In 2002, the tribe adopted a Tribal Habitat  
11 Conservation Plan. Since then, the tribe has worked with  
12 the Fish and Wildlife Service to obtain approval of the  
13 plan and the issuance of an incidental-take permit. Due  
14 to the inability for the tribe to obtain the permit on a  
15 prompt approval basis, the tribe successfully challenged  
16 the rule designating critical habitat for the Bighorn  
17 Sheep on the reservation.

18 In that, the federal court decision, it was  
  
19 recognized that the tribe's Habitat Conservation Plan was  
20 adequate to protect the sheep without designation of  
21 critical habitat. Being that it may, this situation with  
22 regards to the Habitat Conservation Plan and the tribe's  
23 status with the federal government, we have some specific  
24 recommendations for you.

25 The service should facilitate the development and



1 approval of the Tribal Habitat Conservation Plans in  
2 general to promote species and habitat plans, respect  
3 tribal sovereignty, and exemplify the potential for  
4 collaboration between federal government and the tribes.

5 The service should also exclude lands of Agua  
6 Caliente from the revised rule designating critical  
7 habitat for the nature of Bighorn Sheep in the future.

8 The service should also, as a matter of policy,  
9 not require conservation easements to assure long-term  
10 protection on tribal lands as a condition of incidental  
11 take.

12 Most importantly, the Department of Interior  
13 should adopt regulations to implement Secretarial Order  
14 3206. The tribe should not be treated as development  
15 companies of third parties in this relationship.  
16 Secretarial Order Section 3206 should be a mainstay of  
17 this relationship and approval of Habitat Conservation  
18 Plan.

19 In closing, I hope you adopt the same policy and  
20 attitude that your predecessor has, Secretary Babbitt and  
21 Norton, that recognizes the tribe can and will and is very  
22 capable of managing its natural and cultural resources.  
23 Thank you.

24 MR. CASE: Thank you. Number 32.

25 MR. POISTER: Good afternoon. My name is Paul



1 Poister, P-o-i-s-t-e-r. I am with the Partnership for the  
2 West. The partnership is a broad-based alliance, more  
3 than 600 associations, organizations, coalitions and  
4 thousands of other individuals from mining, oil and gas,  
5 forestry, timber, small business, outdoor recreational  
6 users and property rights advocates. And we all share one  
7 thing in common, we share concern for the environment, but  
8 we also want to guarantee that we can engage in a healthy  
9 and balanced development.

10 First, Mr. Secretary, thank you. Thank you for  
11 holding this series of listening sessions, spearheading  
12 this effort across the country on behalf of the  
13 administration. The partnership, as Dave well knows, has  
14 participated in eight of these listening sessions and we  
15 were pleased to try to encourage others to show up and  
16 provide information to you and your colleagues in the  
17 administration.

18 A theme that has come up consistently throughout  
19 these listening sessions, and probably no better  
20 articulated than earlier today by Mayor Bennett, is the  
21 need to modernize the Endangered Species Act. In its  
22 30-year history, we listed more than 1300 threatened or  
23 endangered plants and animals, and we had only recovered  
24 less than one percent. We have failed more than 99  
25 percent of the time.



1           We can do better. We can do better obviously for  
2 threaten plants and animals, we can do better for people  
3 who are stewards of the land, farmers and ranchers. And  
4 we can actually do better for those who want to engage in  
5 balance development that is going to improve our domestic  
6 energy security.

7           We have, on behalf the partnership and our  
8 members, provides a comprehensive list of recommendations  
9 as to how to go about reforming the ESA. We look forward  
10 to participating in that process. I'm somewhat frustrated  
11 in congress's slow going since you're leaving the hill,  
12 Mr. Secretary. But we look forward to working with you  
13 and others on this issue. Thank you.

14           MR. CASE: Thank you. 33.

15           MR. HAFENFELD: Thank you, gentlemen, all of you  
16 for being here today and your patience for sitting up here  
17 and listening to us all. My name is Bruce Hafenfeld,  
18 H-a-f-e-n-f-e-l-d. I'm a rancher from Northern  
19 California, I'm president of elect for the California  
20 Cattlemen's Association.

21           Cattlemen practice conservation as a vital and  
22 necessary part of our business. It is not collateral or  
23 consequence. Our way of life and a continued viability of  
24 a tremendous number of native species that are dependant  
25 upon the large tracks of open space.

1           As such, you should not be surprised to learn  
2   that the unique and significant land use pressures faced  
3   by California cattle producers have compelled us to work  
4   on seeking common ground with the conservation community  
5   in a manner never before attempted.

6           Through these efforts, California ranchers,  
7   environmentalists and agencies have founded an historic  
8   agreement titled, the California Rangeland Resolution.  
9   This unprecedented partnership brings together diverse  
10   interests and a bid to conserve private working landscapes  
11   and wildlife habitat.

12           Today there are 46 entities that support this  
13   resolution. Because they know the importance of their  
14   rangeland and circling California's Central Valley and  
15   interior coastal range, which is home to the largest  
16   number of fish, wildlife and plants in the state.

17           Our diverse group recognizes that this landscape  
18   persists largely due to the positive and experienced  
19   grazing and other land stewardship practice of ranchers  
20   that own and manage these lands. Together these  
21   signatories of California Rangeland Conservation  
22   Coalition, we have come a long way together because of the  
23   dedication and the non-governmental organizations and the  
24   support of the agencies' partners, specifically US Fish  
25   and Wildlife Service under the direction of Steve Thomas



1 and his dedicated staff.

2 At the same time, I must keep in mind that it is  
3 our destiny to depend upon the dedication of all these  
4 partners. In California, tens of thousands of acres of  
5 rangeland are converted annually. This is death sentence  
6 for us.

7 Together our coalition encourages full funding  
8 conservation programs. Furthermore, we challenge you to  
9 increase funding allocations for proactive conservation on  
10 private lands, such as purchasing, development rights from  
11 ranchers to preserve, working landscapes and perpetuity.

12 More than 40 ranchers like myself, with over  
13 400,000 acres, are waiting for the coalition, which the  
14 rangelands trust, to secure funding for conservation  
15 easements. Additional dollars allocated towards this  
16 would be very helpful.

17 In conclusion, it's important that the coalition  
18 and California Cattlemen, that this initiative facilitates  
19 on the ground of conservation. And to achieve this goal,  
20 we urge you to assist us in our goals. Thank you very  
21 much.

22 MR. CASE: Thank you. 34.

23 MR. MITCHELL: Good morning and thanks for coming  
24 down to San Bernardino. I'm Pat Mitchell,  
25 M-i-t-c-h-e-l-l. I'm a partner with a law firm in

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1 Sacramento, California, Downey Brand. But I spent the  
2 first ten years of my career right here in San Bernardino.

3 I'm here today on behalf of Vulcan Materials  
4 Company, the largest aggregate mining company in the  
5 United States. They have owned property for decades out  
6 south of Interstate 10 in the city of Colton. And decided  
7 after the fly was listed 13 years ago, that they might  
8 look for a better way to use their property, given the  
9 impact of the Endangered Species Act.

10 So from 2000 to 2005, they worked in a  
11 cooperative way with the US Fish and Wildlife Service,  
12 Carlsbad office, with the Riverside Land Conservancy and  
13 other local environmental entities, to try to come up with  
14 an approach. And they came up with an approach, put  
15 together a mitigation in Colton, and 150 acres was  
16 approved in June 2005. Recorded the first conservation  
17 easement on 60 acres November of 2005. Sold the first  
18 three credits in December 2005.

19 So there are actually options for people in  
20 Colton right now today in a federally approved mitigation  
21 bank for the fly. The city of Colton, in January 2006,  
22 decided to pass an ordinance causing serious problems,  
23 from our perspective, with the implementation of the bank.  
24 And this is actually a cooperative story with all local  
25 entities, including the county, Caltrans and others who

1 would love to buy credits from a bank.

2 We're currently in litigation with the city of  
3 Colton over their ordinance, which we believe illegally  
4 interferes under federal and state law with the federal  
5 improved litigation bank owned by my client, Vulcan  
6 Materials Company.

7 So there are actually more options. Right now,  
8 today, there's still 147 credits that can be used in the  
9 service area, which includes all of the city of Colton.  
10 And there's even developers in the city of Colton who  
11 would be interested in buying some of those.

12 So we just wanted the Secretary to know that  
13 there are options, and we want to sell those credits,  
14 that's why we put a bank together. An aggregate mining  
15 company, this isn't normally what they do. But they took  
16 an approach, spent a lot of effort and time, collaborated  
17 with a lot of entities, including our California and  
18 Nevada headquarter office of the Fish and Wildlife  
19 Service, and the Carlsbad office, and a lot of effort with  
20 local entities.

21 And we expect to be able to sell those credits,  
22 and we would like to have the continued support, which we  
23 do have, of the Fish and Wildlife Service, and we'll  
24 continue to litigate this matter, if it can't be resolved  
25 otherwise, in order to withhold the mitigation bank and be

1     able garner the value out of the property that this  
2     entity, Vulcan Materials, deserves to get out of that  
3     bank. Thank you.

4             MR. CASE: Thank you. 35.

5             MR. LOWE: My name is Steve Lowe and I'm a  
6     certified wildlife biologist and resident of the Inland  
7     Empire for 26 years. I've worked as a project biologist  
8     on over a thousand projects over the last 35 years,  
9     representing land management agencies, developers, cities  
10    and countries. I'm worked on projects involving housing  
11    development, mining, grazing, timber, fields management  
12    and park development.

13            Many of these projects had apparent threatened  
14    endangered species conflicts. However, on the projects  
15    that I've worked on, we never had a project stop because  
16    of the Endangered Species Act. Delays and problems have  
17    generally resulted from the failure to cooperate and lack  
18    of funding for the regulatory agencies.

19            I found that by working in cooperation with the  
20    Fish and Wildlife Service offices in Carlsbad, Ventura,  
21    Sacramento, Portland and Albuquerque early on in the  
22    project and continue to work closely throughout the entire  
23    project, both the project objectives and the species  
24    protective objectives can be accomplished.

25            I found the Fish and Wildlife Service anxious to





1 find solutions to complex and environmental problems in  
2 Southern California. Sometimes projects are redesigned,  
3 sometimes there's mitigation and compensation majors. But  
4 in all cases, projects have been able to proceed.

5 As the planning biologist, one thing I would like  
6 to request help with from the Department of Interior and  
7 the other agencies here, is to help champion the  
8 San Bernardino Valley Multi-species Habitat Conservation  
9 Plan. Approximately a million dollars was spent in  
10 development of that plan gathering the biological data and  
11 storing that data, and then the plan was dropped because  
12 of changes in staffing and personnel at the county level  
13 and lack of funding to complete the project.

14 Some of these problems, we heard about the city  
15 of Colton and the flies, and good areas being developed  
16 and bad areas being retained, could be solved by a  
17 multi-species plan based on all that biological  
18 information that was gathered.

19 So I would ask that people here help support the  
20 reinitiation of the San Bernardino Valley Multi-species  
21 Plan. Thank you.

22 MR. CASE: Thank you. 36.

23 MR. NUAIMI: Good afternoon, Mr. Secretary.  
24 Thank you for your attendance today in our county. My  
25 name is Mark Nuaimi, N-u-a-i-m-i. I'm the mayor of the

1 city of Fontana, and one of those communities that was  
2 impacted and continues to be impacted by the Delhi Sands  
3 Fly.

4 One thing I'd like to encourage, and this is  
5 something after ten years of being an elected official in  
6 this matter, is the cooperation should start from the  
7 beginning. It needs to start -- you heard the prior a  
8 couple of speakers ago talking about the formation of the  
9 land bank.

10 But one organization I didn't hear mentioned was  
11 the actually city that it was involved in, and that's  
12 vital. That if you're looking for local government who's  
13 dramatically impacted by the effects of land banks or the  
14 effects of conservation, or the effects the species  
15 recovery, you need to bring the local communities in.

16 The other recommendation is when a species is  
17 listed and a recovery plan is established, that recovery  
18 plan has to be updated, it cannot just be a document that  
19 sits on the shelf and is referenced to, but has to be  
20 updated based on today's information.

21 The resources obviously have to be provided by  
22 the federal government to the local field offices to keep  
23 those documents as living documents, so that it's based on  
24 the best information that we have today, the best and  
25 latest transit development so that we can have cooperation

1 from day one.

2 And when you do update those recovery plans, take  
3 them to the local communities for adoption, for  
4 endorsement, for comment as opposed to just approving them  
5 and saying they're on the federal registry, download them  
6 and take a look at them.

7 It really is a cooperation, we want to cooperate,  
8 we want to go responsibly as communities, we also want to  
9 mitigate the impacts of development while we protect  
10 species. But this has to be cooperation, and that's a  
11 two-way street, and it should start from day one. Thank  
12 you for your time.

13 MR. CASE: Thank you. 37.

14 MR. BARTLEMAN: Good morning, Mr. Secretary.  
15 Welcome home. My name is Allen Bartleman,  
16 B-a-r-t-l-e-m-a-n. I represent the Sierra Club with 6,000  
17 members in San Bernardino and Riverside Counties.

18 And the Endangered Species Act was written to  
19 protect endangered species, not endangered developers.  
20 The Endangered Species Act itself is an example of  
21 cooperative conservation. Over the past decade, the  
22 federal government had invested tens of millions of  
23 dollars helping private landowners to conserve species  
24 while using their property.

25 We need to fully fund and expand these efforts to

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1     exclude -- to include tax credits for landowners engaged  
2     in the proactive management of their land for the  
3     conservation of America's natural wealth. For 30 years,  
4     the Endangered Species Act has been America's safety net  
5     for fish and wildlife at the edge of extinction.

6             99 percent of all fish and wildlife every  
7     protected under the Endangered Species Act have been saved  
8     from extinction, including the Bald Eagle, Grizzly Bear  
9     and wild salmon. According to the US Fish and Wildlife  
10    Service, the majority of species protected under the act  
11    are stable or increasing in number.

12            If a member is to succeed in safeguarding its  
13    natural heritage, the nation must involve as many people  
14    from as many backgrounds as possible in both planning and  
15    executing conservation programs.

16            Doing so will not only encourage the development  
17    of innovative reproaches, but also help insure that gains  
18    for fish, wildlife and clean water will be sustainable  
19    over a long term due to the commitment of the full range  
20    of stakeholders.

21            Cooperative conservation should mean giving  
22    everyone, wildlife, biologists, recreation groups, local  
23    communities, agency personnel, hunters, anglers,  
24    conservation organizations a place at the table, not just  
25    the parties who will tell you what you want to hear.

1           Cooperative conservation efforts are only  
2   successful when they compliment, not replace, current  
3   environmental protections. This work should go  
4   hand-in-hand with longstanding environmental protections  
5   that have cleaned up our area and water, not to be used as  
6   an excuse to eliminate them.

7           The current administration has actually failed to  
8   enforce or work to dismantle the very laws that have  
9   brought people and communities together to address local  
10   conservation needs. I hope your presence here is a change  
11   in that policy.

12           The increased degradation of fish and wildlife  
13   habitat due to the administration's harmful resource  
14   extraction policies are creating more problems for  
15   wildlife, increased oil and gas drilling. If cooperative  
16   conservation efforts are to succeed, the federal  
17   government must be a full partner. Which means congress  
18   and the administration must put more resources and less  
19   rhetoric into the efforts.

20           I will submit the balance of my comments  
21   electronically and physically. Thank you for coming.  
22   Thank you for your attention to us. The Endangered  
23   Species Act doesn't need tweaking or revising, it needs  
24   enforcement and funding. Thank you.

25           MR. CASE: Thank you. Number 38.

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1           MR. REYES: Good afternoon. My name is Frank  
2 Reyes and I work at the San Bernardino Community College  
3 District. I'm a government to relations, and thank you so  
4 much for coming to our area. I think it's so important,  
5 you don't hear a lot of higher education people coming and  
6 address you.

7           But we knew this conference was going to be very  
8 successful. We knew that the leadership of the Interior  
9 -- the Secretary of Interior was going to be very  
10 successful because he graduated from San Bernardino Valley  
11 College. So we were set to be very successful.

12           We have what you call an executive order by  
13 President Bush in regards to helping Hispanics serve in  
14 institutions. What that is is any university -- we have  
15 over 500 colleges, universities throughout the country,  
16 South America and Spain. And in order to provide some  
17 resources available for any type of program that is going  
18 to benefit the students in the institution.

19           Today you're talking about cooperative  
20 conservation. We dealt with various federal agencies, the  
21 FAA, the Department of Transportation, Department of  
22 Commerce in regards to the specific need of that  
23 particular institution.

24           Just recently, we were very successful in getting  
25 a \$12 million grant from the Department of Transportation,

1     FAA, to be able to establish a fire training, high-power  
2     fire training at Norton Air Force Base.

3             So those are the top of the agreements that we  
4     have, and an opportunity to work with each of the federal  
5     agencies. So I want to compliment the great  
6     responsibility and support that we get from the federal  
7     agencies.

8             But I also want to make sure that we don't forget  
9     new secretaries coming in. I want to sit down and talk to  
10    them, because the Department of Interior can play a very  
11    important role in terms of the type of programs. And the  
12    infrastructure that is going to be involved with the  
13    development of that particular institution is not only a  
14    valid cause, but again like I said, we have over 500  
15    universities throughout the country.

16            I will be heading down to Washington, D.C.  
17    That's what's great that you guys come here, because a lot  
18    of us don't have to chance to go to Washington, D.C.  
19    Since I'm a government to relations, I will be Washington,  
20    D.C. to talk with the president and various senators and  
21    congressmen.

22            Congressman Lewis has been tremendous, and I know  
23    that Congressman Baca has been here, Mr. Miller, those are  
24    the individuals that have really supported us in terms of  
25    higher education. And I know eventually we do meet with

1 the secretaries. Each of the secretaries has an  
2 opportunity to help with the educational -- higher  
3 education throughout the country. So I want to thank you  
4 for putting this together and giving our community an  
5 opportunity to speak out in regards to whatever this topic  
6 is. Thank you so much. I will see you in Washington.

7 MR. CASE: Thank you. 39.

8 MS. WOLD: Again, I'd like to say thank you to  
9 everyone for being here. My name is Terry Wold, W-o-l-d.  
10 I'm the conservation coordinator for the San Geronio  
11 chapter of the Sierra Club serving Riverside and  
12 San Bernardino Counties.

13 I would just to like to reiterate what Allen  
14 said, too. The Endangered Species Act is itself an  
15 example of cooperative conservation. For over 30 years,  
16 the Endangered Species Act has been America's safety net  
17 for fish and wildlife at the edge of extinction. It  
18 works. And we have to remember extinction is forever.  
19 Let's fund it, let's keep going on with it.

20 We must involve everyone in the both planning and  
21 executing conservation programs, we must give everyone a  
22 place at the table. The Department of Fish and Game,  
23 Audubon, Sierra Club, Friends of the Northern San Jacinto  
24 Ducks Unlimited, and many other people have worked  
25 together at the San Jacinto wildlife area. 10,000 acres





1 of restored wetlands teaming with wildlife, working in  
2 cooperation.

3           The Fly Fishermen and environmental groups work  
4 to save our Deep Creek up in San Bernardino Mountains. An  
5 odd combination of people getting together, but it worked.  
6 In the San Jacinto River Watershed, I'm working with the  
7 dairy farmer, Bruce, that spoke earlier. We're working  
8 with a group of agriculture interests, dairy farmers,  
9 water agencies and indian tribes working to work on our  
10 watershed and protect it.

11           So we can do all of this together. But the Bush  
12 Administration has actually failed to enforce or work to  
13 dismantle some of the laws that brought all these people  
14 and communities together to address local conservation  
15 needs, so we need to kind of address that. Thank you very  
16 much.

17           MR. CASE: Thank you. Number 40. And if number  
18 41 through 50, if you would like to come down in front  
19 here, 41 through 50.

20           MS. WADE-EVANS: Hello. Thank you for being  
21 here. My name is Jean Wade-Evans, W-a-d-e, E-v-a-n-s. I  
22 came primarily to listen day as a federal employee.

23           Last year I was involved with planning and  
24 organizing the cooperative conservation conference in  
25 St. Louis, working with USDA and the Forest Service in

1 D.C. doing that. And looking at highlighting great  
2 examples of cooperative conservation all over the country  
3 and putting together a big book of all those wonderful  
4 examples.

5 And also, looking at policy needs in terms of  
6 what all the departments and agencies need to look at as  
7 far as policies. And we've been hearing a lot about  
8 policy issues today. Now that I'm here on the ground back  
9 in Southern California working on San Bernardino National  
10 Forest, I have the opportunity to work at a local level on  
11 cooperative conservation and that's pretty exciting.

12 And here we've been dealing with a lot of forest  
13 health issues. In fact, the forest is known for forest  
14 health issues and the work that we're doing on mitigating  
15 the effects of catastrophic fires.

16 And there are many models, not only the forest  
17 health model and mountain area safety task force model  
18 here. But there's a model I'd like to just quickly bring  
19 to your attention since I know I have just a couple of  
20 minutes, that is the San Jacinto Santa Rosa Mountain  
21 Monument.

22 That monument was established in 2001 with the  
23 collaborative cooperative efforts by Congress Woman Mary  
24 Bono. It encompasses lands that are managed and owned by  
25 the state of California, parks, the Forest Service, the

1 BLM, the Agua Caliente Tribe in the cities, the desert  
2 cities in the Coachella Valley. It's really a successful  
3 model of people working together to deal with protection  
4 of landscapes and environments and species. And also,  
5 cultural and heritage resources.

6 So I wanted to bring that to your attention.  
7 Because it expands from the desert to the mountains. It  
8 has management advisory committee that has a lot of  
9 diverse participation, and it's really cooperative  
10 conservation work at the local level.

11 MR. CASE: Thank you. 41.

12 MS. FOX: Mr. Secretary and panelist, thank you  
13 all, you show a cooperative effort by being here today.  
14 My name is Charolette Fox. Charolette is spelled  
15 C-h-a-r-o-l-e-t-t-e. I represent several local state  
16 agencies, as well as NGO's working to provide recreation  
17 throughout the state of California.

18 I'm an historian and an ecologist practicing  
19 environmental stewardship with the Water Education  
20 Foundation, the city of Temecula, the county of Riverside  
21 and a resource conservation district in southwest  
22 Riverside County.

23 I'm a member of the League of Women Voters  
24 privileged to serve on the California State Boards Natural  
25 Resources director. This gives me an insight throughout

1 California on various landscapes and various interests  
2 that people are expressing concern over regarding  
3 conservation.

4 Two examples of conservation and preservation  
5 collaboratives that I work with particularly are a  
6 California collaborative for environmental legislation,  
7 and the Santa Margarita Watershed pilot program for any  
8 monitoring, which is the watershed which provides drinking  
9 water to Camp Pendleton.

10 To protect our habitats and coastal areas, please  
11 heed efforts to preserve Santa Rosa Island and allow  
12 restoration of historic and environmental efforts to  
13 continue. To preserve our watersheds, please do not relax  
14 the federal standards for toxic release inventory. To  
15 provide a nexus between water conservation and state and  
16 national energy needs, consider all means available to  
17 preserve tribal, state and national parklands.

18 One-eighth of all Americans live in California.  
19 Therefore, many means of communication are needed to keep  
20 this open dialogue going. We must all seek new paradigms  
21 that engage economics and the environment.

22 To paraphrase First Lady of California, Maria  
23 Shriver-Schwarzenegger, we are human beings, we must also  
24 be human doings. Doings include more programs for youth  
25 in the environmental activities and more funding for

1 things like evasive species. Thank you all.

2 MR. CASE: Thank you. 42.

3 MS. CASSATO: My name is Candice Cassato,  
4 C-a-s-s-a-t-o. I represent no one but myself, and the  
5 thousands of people who go to the national parks every  
6 year. I grew up in Chicago, I moved out here about 18  
7 years ago.

8 In Chicago we have forest preserves, that's what  
9 I always thought was a forest until I moved to California.  
10 And through friends and my significant other, in the last  
11 ten years I've seen probably 10 to 15 national parks.  
12 They're the most beautiful areas in the world.

13 I am a member of the NPCA and I also contribute  
14 to the Yosemite fund. The Yosemite National Park has been  
15 able to maintain most of their areas through the funding  
16 that has come from private sources, and certainly not from  
17 federal funding.

18 The federal funding in the last eight years has  
19 been cut back tremendously by Mr. Bush. That has to be  
20 restored. There is maintenance and infrastructure in the  
21 national parks that needs to be taken care of and needs to  
22 be taken care of soon. Thank you very much.

23 MR. CASE: Thank you. Number 43.

24 MS. ANDREW: My name is Joann Andrew and I'm  
25 speaking as a citizen, as a California native and a long

1 time resident of the Inland Empire. First of all, I think  
2 it is extremely important to reiterate what many people  
3 have said about the importance of maintaining a strong  
4 regulatory framework, specifically the Endanger Species  
5 Act.

6 Without that act, we would not have all these  
7 wonderful examples of diverse interests coming together,  
8 mining, ranching, developers coming together with  
9 environmental groups and other concerned citizens that  
10 would not exist without the strong framework of the  
11 Endangered Species Act.

12 Secondly, as far as one of the things that I  
13 think that the federal government could do, and the state  
14 government as well, would be to develop incentives that  
15 would encourage counties and cities to develop these  
16 county-wide or regional multi-species plans.

17 We've heard several of these referred to, and I  
18 don't think it's a mistake that the absence of a  
19 multi-species plan in the San Bernardino Valley  
20 contributed to the lows described by the city the Colton.

21 I think that perhaps with a plan, had it been in  
22 place, would have perhaps have encouraged the city of  
23 Colton to start developing a plan sooner rather than, as  
24 she said herself, declaring war on the Endangered Species  
25 Act.

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1           Second of all, federal agencies need to speak to  
2 one another. Recently there was the example of the Forest  
3 Service, which is not in the Interior Department,  
4 developing a plan to sell off various parcels of Forest  
5 Service land.

6           And here in the Inland Empire, one or more of  
7 those parcels were dependant upon by Riverside County  
8 county-wide multi-species habitat plan. Fortunately, that  
9 plan was scrapped. But had there been communication  
10 between the Forest Service and the cooperative  
11 conservation part of the Interior Department, that would  
12 not have happened.

13           The funding has come up over and over again, that  
14 needs to be done. Finally, one final thing is that the  
15 including of low-impact recreation in these plans, such as  
16 an example would be development of the Santa Ana River  
17 Trail, which is planned but there are gaps in that that  
18 are not complete.

19           The plan is to have that trail from the  
20 headwaters high in Yosemite and the Mountains all the way  
21 to the coast. There are segments, but it's incomplete.  
22 That could be done in coordination with a multi-species  
23 plan and really improve the quality of life for the  
24 residents. Thank you.

25           MR. CASE: Thank you. 44. 45. 46. 47.

1           MR. RUSTIGIAN: Hello. My name is Jennifer. I'm  
2 a congressional representative for Congressman Joe Baca.

3           MR. CASE: Could you spell your last name,  
4 please?

5           MS. RUSTIGIAN: R-u-s-t-i-g-i-a-n. And  
6 Congressman Baca represents the cities of Ontario,  
7 Fontana, Rialto, Colton, San Bernardino and the  
8 unincorporated areas of Bloomington and Muscoy. And I'm  
9 here to read a statement on his behalf.

10           Secretary Kempthorne and distinguished guests and  
11 panels, I want to welcome you to San Bernardino and to  
12 thank you for holding this listening session here in the  
13 Inland Empire. I hope that through today's discussion you  
14 will see the need for a flexible and responsive  
15 environmental policy that will enable our communities to  
16 thrive.

17           The Inland Empire has many unique environmental  
18 issues. For instance, my district faces some of the  
19 highest levels for perchlorate contamination in the  
20 country. Due to irresponsible management by the military  
21 on former defense sites, perchlorate has contaminated our  
22 ground water supplies and threaten the health and  
23 wellbeing of our residents in Rialto, Colton and Fontana.

24           I have made perchlorate contamination one of my  
25 highest congressional priorities and I have been actively



1 working with our local governments to treat these  
2 contaminated wells as quickly as possible.

3 I'm happy to report that just Tuesday, the House  
4 of Representatives passed the 2007 Defense Appropriations  
5 report, which includes \$1.1 million in funding I requested  
6 for perchlorate clean up I requested in the Inland Empire.

7 Mr. Secretary, the federal government needs to do  
8 more. I urge you and the Department of Interior to become  
9 more active in cleaning up former defense sites. Clean  
10 water is the most basic service any government can provide  
11 its citizens.

12 I ask that you take this issue to the highest  
13 levels of government and work with the Department of  
14 Defense to ensure that our state and local governments  
15 have the resources they need to act quickly and  
16 effectively against this dangerous substance.

17 The second issue of importance for my  
18 constituents in the Inland Empire is the Endangered  
19 Species Act. California is home to some of the most  
20 beautiful forests and rarest wildlife in the country, and  
21 as Californians, we appreciate the need to protect the  
22 environment. However, I believe ESA in its current form  
23 does not work.

24 Today only 12 species have been recovered on a  
25 list of over a thousand endangered animals. This is a 99

1 percent failure rate. Despite the ineffectiveness of this  
2 program, the federal government continues to impose its  
3 crippling regulations on our local government.

4 Current ESA regulations choke economic growth in  
5 the Inland Empire and force taxpayers to pick up the tab.  
6 For instance, in 1994, San Bernardino County was forced to  
7 shift the site of the Arrowhead Regional Medical Center by  
8 250 feet, costing taxpayers \$3 million.

9 Since the Fish and Wildlife Services placed the  
10 Delhi Sands Fly on endangered species list in 1993,  
11 economic development in San Bernardino has screeched to a  
12 halt. We're losing jobs and we're losing investments and  
13 our communities are falling behind.

14 Throughout my tenure in Congress, I've made  
15 reforming the ESA a top priority and I was an original  
16 sponsor of the Threatened and Endangered Species Recovery  
17 Act of 2005, which passed in the House and is currently in  
18 the Senate.

19 Mr. Secretary, I want to thank you for your  
20 leadership and protecting our nation's natural resources,  
21 and for coming back to the San Bernardino area.

22 And our office is actually on the corner of  
23 Second and E Street, so if anybody here in the audience  
24 would like to come by and make their suggestions for  
25 Congressman Baca, I'd be welcome to meet with them. Thank

1     you.

2                 MR. CASE:   Thank you.   48.

3                 DR. SCOTT:   My name is Dr. Tom Scott.   I'm with  
4     the University of California and I basically studied how  
5     we integrate wildlife into human development.   I work and  
6     live in Southern California.

7                 I handed you out some things.   I apologize to the  
8     audience, I was going to bring cards but I wasn't certain  
9     I would be allowed in with all of the conditions you put  
10    in bringing things into the room.

11                But first I want to start by saying, California  
12    is -- Southern California in particular is an extremely  
13    complex place.   And we have hundreds -- literally hundreds  
14    of species which are found nowhere else on earth.

15                And to sort of put that into context, if you  
16    could image that we have a transition that goes from the  
17    top of San Gorgonio Mountain down the desert floor.   To  
18    capture that transition in another part of the country,  
19    particularly in the midwest, you'd have to go 1200 miles.  
20    So you're asking your employees in the Interior, in some  
21    cases, to manage the same thing that a person would manage  
22    in Florida and in Wisconsin at the same time.   That's an  
23    extremely important point.

24                If we go to the next picture, which is basically  
25    are angulations and booms and busts of urban development.

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1 This curve is -- the numbers are kind of inconsequential,  
2 but the angulations basically show you that we have a  
3 complete breakdown of economic, regulatory, social or any  
4 kind of system that would basically give us some kind of  
5 governance over this problem. And that's what produces  
6 like the Delhi Sands Flower Loving Fly, that we basically  
7 can't control our development.

8 It's a \$67 billion juggernaut and that's more  
9 than the gross national product of most countries in the  
10 world, and that's just single-family detached housing. So  
11 Southern California, as all urban areas, as a result  
12 generally become the focal point of the Endangered Species  
13 Act.

14 I think we tend to think of the act as being  
15 something that keeps yeoman farmers from their work. But  
16 the reality is 54 percent of your employees who work on  
17 ESA related issues for the Fish and Wildlife Service work  
18 on ten percent of the landscape, and that's the urban  
19 area.

20 Flip through. Forget the next graph. Go to the  
21 final draft and what I want to talk about is the Western  
22 Riverside County Multiple Species Plan. And if you look  
23 at this graph you can see that there's been a huge  
24 contribution of local effort. And this curve jumps when  
25 the Endangered Species Act comes into being in the western

1 Riverside County.

2           Around 1993, we had 35,000 acres of land  
3 conserved. That happened because of private individual's  
4 involvement. And under that curve is not a single  
5 landowner with a lot of largesse, it's Jerry Geller with  
6 20 acres of land in Aguanga. It's Bore Winkle with the  
7 Building Industry Association showing up to meetings for  
8 three years in a row. It's Tom Mullin coming out of  
9 retirement and staying with the job to get this thing  
10 done.

11           MR. CASE: Thank you. Thanks. Number 49. I  
12 hate to call you Number 49. But while Number 49 is coming  
13 up, if everybody who wants to speak could come up. I  
14 believe we handed out 61 cards. If there are other people  
15 that would like to speak that have not had the chance,  
16 could you please come forward so we know how many people  
17 we have left.

18           Mr. Secretary, I believe you have to leave at  
19 1:30. Now we're going to continue and everybody is going  
20 to go through, but I just want to know how many people we  
21 have left.

22           MS. BOOTH: Good afternoon. My name is Phaedra  
23 Booth. I'm the outreach representative for Defenders of  
24 Wildlife. We represent over a 130,000 members and  
25 supporters here in California, and over half a million

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1 nationwide.

2           And the main focus of my work here in California  
3 is building endangered species protections through  
4 partnerships and varied constituencies, such as farmers  
5 and ranchers. In my experience I have seen volumes of  
6 support for cooperative conservation from farming and  
7 ranching communities. And do not believe that a strong  
8 adherence to the act is prohibitive to their work.

9           For example, Livingston farmer, Cindy Lashrick,  
10 farms 150 acres of organic blueberries and almonds and  
11 supports a strong Endangered Species Act. She is very  
12 informed of available federal programs and integrates  
13 large amounts of habitat and riparian restoration in her  
14 work.

15           Cindy is a classic example of the many farmers  
16 who do not see the Endangered Species Act as a barrier to  
17 profitable business and farm in a sustainable and  
18 wildlife-friendly manner.

19           Cooperative conservation and landowner  
20 partnerships are vital tools for preventing extinction and  
21 helping to recover endangered species. Indeed, the  
22 Endangered Species Act has paved way for cooperative  
23 conservation by bringing people together to address local  
24 conservation needs.

25           In fact, the act contains a variety of mechanisms



1     that support and encourage these types of partnerships,  
2     including Safe Harbor Agreements and Habitat Conservation  
3     Plans. Defenders of Wildlife fully supports enhancing the  
4     Endangered Species Act's ability to engage private  
5     landowners and conservation efforts through the use of  
6     incentives similar to those offered through the Farm Bill  
7     Conservation Program.

8             But these programs are no substitute for a strong  
9     Endangered Species Act and the safety net that it provides  
10    for animals, fish and plants on the brink of extinction.  
11    We need staff, we need funding and we need a strong  
12    emphasis to promote partnerships for species conservation  
13    on private lands. Thank you.

14            MR. CASE: Thank you. Number 50. 51.

15            MR. HEYMING: Hi. I'm Frank Heyming, that's  
16    H-e-y-m-i-n-g. I'm the president of the Riverside Land  
17    Conservancy. The Riverside Land Conservancy was  
18    established to preserve and restore open space, hillsides  
19    river land, recreation land, park land and agricultural  
20    land.

21            In that capacity, we worked cooperatively with  
22    the development community in accepting conservations  
23    easements. The Endangered Species Act has proven to be  
24    catalyst in getting governmental agencies, such as the  
25    County of Riverside, to establish a Multi-species Habitat

1 Conservation Plan.

2 This plan has enabled the development community  
3 to proceed with their plans, while at the same time  
4 protecting our endangered species. We believe that  
5 without the Endangered Species Act, many endangered  
6 species would not have been voluntarily protected.

7 We encourage you to continue listing endangered  
8 species regardless of priority, and to continue to urge  
9 cooperation between the development, environmental and  
10 governmental communities in finding common ground and  
11 achieving a balance between their respective interests.

12 MR. CASE: Thank you. Mr. Secretary, I believe  
13 you have to leave. I'd like -- if you'd like to come  
14 forward and then we'll continue.

15 MR. KEMPTHORNE: How many do we have left? I'll  
16 hang in here, I'd like to hear all of these.

17 MR. CASE: Thank you.

18 MS. BLOCK: I'll be very quick. Secretary  
19 Kempthorne and the members of the panel, my name is Jane  
20 Block. I'm a member of the Riverside Land Conservancy and  
21 the Endangered Habitats League.

22 MR. CASE: Can you spell your last, I'm sorry.

23 MS. BLOCK: B, as in boy, l-o-c-k.

24 MR. CASE: Thank you.

25 MS. BLOCK: Thank you for your recent allocation

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1 of funds for conservation in Riverside County. It affirms  
2 the collaboration that is happening in Riverside County.  
3 The Endangered Species Act has been a -- has promoted good  
4 planning and conservation, and please continue with the  
5 laws that support conservation and give adequate support  
6 also to the agency people who all do a good job, but often  
7 are not given enough resources.

8 We are an example in Riverside County of the  
9 Endangered Species Act working, and working for everyone.  
10 Working for environmentalist, working for the building  
11 industry, working for everyone. It works, and we hope you  
12 continue it.

13 And Secretary Kempthorne, I have a special river  
14 request for you. As a person who grew up in Idaho, I  
15 would like to ask you -- I can't go to Boise to testify,  
16 but I would like to ask you to restore the Snake River and  
17 let the salmon return to Red Fish Lake. It would be a  
18 wonderful thing.

19 I also would like to ask for more support for the  
20 Santa Ana River. The Santa Ana Sucker is recovering, let  
21 us help make it a real example of how a river recovers.  
22 Thank you so much.

23 MR. CASE: Number 51. 52.

24 UNIDENTIFIED SPEAKER: I came basically to  
25 welcome a hometown boy made good. I was a teacher out of

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1 San Geronio High School, we're proud of you. And thank  
2 you very much, I heard good things about you. You're  
3 definitely an improvement over Reagan's Secretary of  
4 Interior, who was asked why he didn't do stuff like this.  
5 And he said he didn't see any point in it, he said Jesus  
6 was coming right away.

7           Anyway, you've come to the right place here. We  
8 have big problems and too many of our elected officials  
9 have never met a developer they didn't love. I'll give  
10 you an example, we just now -- there is now, unless it's  
11 been moved overnight, 31,000 tons of manure that  
12 surreptitiously dumped in the Prado Dam Basin.

13           And one of the main supervisors involved in this  
14 has said publicly that he doubts if there is such things  
15 as hundred-year floods. We have -- we have to face stuff  
16 like that.

17           We have another situation, the colonies which was  
18 built over west of here, and they have -- suing the county  
19 up to \$300 million, and they built on land that never  
20 should have been built on. It reads like Chinatown. Read  
21 Chinatown and you will read that story, too.

22           And I wanted to just make a personal comment. I  
23 used to keep bees in this area. 1400 hives of bees and  
24 ran them all over, but you can't find anything like that  
25 here. Yet, nearly a third of what you eat comes from

1 bees. You wouldn't have it if it weren't for bees. My  
2 son has bees in Arkansas, I had to import them all the way  
3 out here. They brought bees from out of the county.

4 Now, there are other problems with bees, but the  
5 main things is, they've been crowded out with all of these  
6 developments. So there's consequences here, all of this  
7 building is going on, and you can't sustain it. It's  
8 doing us a lot of harm and we ought to back up and look at  
9 it.

10 And I might add, I was the aide to Congressman  
11 Brown when a lot of this stuff came into being, these  
12 bills. So I hope you don't weaken any of this, I hope you  
13 strengthen it. We need help. We need lots of help here.

14 MR. CASE: Thank you. 53.

15 MS. LUSTER: My name is Grace Luster. I feel  
16 like a Twinkie in the middle of a Hostess cupcake  
17 convention. I've been a waitress for over 30 years and  
18 I'm disabled now. My five children have Chromium 6  
19 poisoning and they are in sad health.

20 What I'm trying to say is that our politicians  
21 have not done their duty, they have been irresponsible to  
22 the needs of the people. As long as everybody's keeping  
23 their job, they don't rock the boat, otherwise they lose  
24 their jobs. And many of the employees of government have  
25 been threaten in such a manner.





1           I've been arrested five times and jailed. I have  
2   been abducted from San Bernardino County Board of  
3   Supervisors meetings 29 times. I was handcuffed and my  
4   wrists were bleeding while the district attorney, James  
5   Hackleman, stood right next to me and watched as I was  
6   handcuffed on the floor. All because I spoke the truth.

7           I am proud to be called a gadfly. I am proud to  
8   be called one of the people -- free people of the United  
9   States. I also want to say that the politicians in  
10   San Bernardino County and racketeering thereof have  
11   violated Government Code 1120, because the free people of  
12   this county or any American has not surrendered their  
13   personal rights to elected officials. And also,  
14   Government Code 54949.

15           There is no recovery for what you stand for.  
16   Because until the racketeering and redirection of funds  
17   and property redirection is dealt with, you're not going  
18   to have anything. We have a national emergency right now  
19   where, if we are invaded, and you know sooner or later  
20   we're going to have another thing like Katrina and all  
21   that. FEMA funds have been redirected for private agendas  
22   and politicians.

23           If everything that was stolen by politicians is  
24   put back in the kitty, the American Government would be  
25   solvent, and there would be plenty for everyone. We tried



1 to protect the birds, but we did not protect the people  
2 from contamination of water. We spend millions of dollars  
3 for bird baths to protect the birds so that way their feet  
4 don't get too hot and they don't drink contaminated water.

5 MR. CASE: Thank you. Time is up.

6 MS. LUSTER: Please address the racketeering  
7 here, it's very serious. Very serious.

8 MR. CASE: Thank you.

9 MS. LUSTER: And we have the safety of our nation  
10 at risk. If you ignore that, you're just encouraging  
11 genocide.

12 MR. CASE: 54.

13 Secretary Kempthorne, distinguished panel, I'm  
14 Dan Silver, S-i-l-v-e-r. I'm the executive director of  
15 the Endangered Habitats League. We've supported work on  
16 cooperative conservation for the last 15 years. I'd like  
17 to put it in a bit of context. Our biggest successes, as  
18 you've heard, are the Large Scale Multiple-Species Plan.  
19 There's a great example next door in Riverside, which you  
20 heard about. If you can get the San Bernardino Valley  
21 Plan started again, that would wonderful. It's a tragedy  
22 that it failed, and maybe you can direct folks to give it  
23 another try.

24 Some of the lessons we've learned -- and if I'm  
25 repetitive, at least I'll be brief. We really do need the

1 listings. I believe the recent policies that have  
2 de-emphasized the listing of candidate species will be  
3 counter-productive. Something that hasn't quite been  
4 mentioned yet, the US Fish and Wildlife Service must  
5 operate with integrity.

6 I am concerned that there is political  
7 interference in the scientific decision-making process and  
8 I urge your attention to that, Mr. Secretary. The funding  
9 has been set over and over and over and over. We need to  
10 rack up the funding by an order of magnitude. I mean, we  
11 really need to rack it up. The California Rangeland  
12 Resolution is a fantastic program you've heard, but  
13 they're starving for money.

14 We're grateful for that \$12 million though, don't  
15 get me wrong. National wildlife refuges, I've been told  
16 by the service that we're just not creating them anymore,  
17 that the administration is against creating national  
18 wildlife refuges. I think that's deeply, deeply wrong.  
19 I'd like you to address that, if you can.

20 Finally, we support conservation easements,  
21 they're a great tool for private stewardship. And again,  
22 they just need money to succeed. I'd be happy to follow  
23 up with you and your staff. Thank you very much.

24 MR. CASE: Thank you. 55.

25 MS. BUNEA: Good afternoon. How are you? You've

1    been sitting here for awhile and I'm glad you stayed.  My  
2    name is Sandy Bunea and I'm a resident here in  
3    San Bernardino and so welcome to my city.  I'm a director  
4    of a youth program.  I am not -- our program is we deal  
5    with intercity youth right here in the city of  
6    San Bernardino.

7                I just wanted to answer a question that I saw  
8    right here in your little booklet.  It says here, how can  
9    the federal government better respect the interest of  
10   people with ownership and land, water and other natural  
11   resources.  And so I wrote really quickly that the federal  
12   government can better respect the interest of people, but  
13   who's helping to increase the capacity of a greater number  
14   of people to take ownership of the land, water and other  
15   natural resources?

16               Not just those that have the means or the money  
17   to travel to the parks and the forest, but these that  
18   historically have been excluded from participating in  
19   conservation efforts, especially those who live in  
20   low-income, minority, intercity communities, who, with the  
21   support of the federal government, can take greater  
22   ownership of the land.

23               That is what I'm here to do, is to demonstrate  
24   that partnerships can exist.  We have a partnership with  
25   the US Forest Service.  We are a community group, a local

1 group that has a great number of young people. And if it  
2 wasn't for the great people such as Jean Wade, who's  
3 sitting right over here, and Gabe Garcia, who did the  
4 outreach, we now have an office space in public housing,  
5 in the projects that represents the US Forest Service and  
6 the partnership between a Chicano-based organization and  
7 an African-American-based organization.

8           So what we do is we go up to the US Forest  
9 Service and we do conservation work. And these are young  
10 people that have never been exposed to conservation work  
11 and who are now looking at a career in the US Forest  
12 Service.

13           So what I'm really encouraging is that we need  
14 stronger or we need national policies that foster  
15 collaborations, cooperations with local community groups,  
16 the nonprofit groups that in themselves, we have great  
17 resources of young people and people in the communities  
18 that can actually go up the forest and provide a lot of  
19 work. And they don't charge the Forest Service, by the  
20 way. So it's a cooperation and it does work, it's very  
21 effective.

22           So once again, I would like to definitely thank  
23 you for coming here. I even brought one of our pamphlets  
24 we created -- it's an Urban Youth Service Corp. It's a  
25 great program which have never would have been initiated

1 without the support of the US Forest Service outreaching  
2 onto the Latino and black communities. Thank you.

3 MR. CASE: 56. 57. 56.

4 MS. FOSTER: Mr. Secretary and the rest of the  
5 panel, thank you very much for being here. I'm going to  
6 take this to the real rule sections up are over into the  
7 Mojave Desert.

8 MR. CASE: Can you state your name?

9 MS. FOSTER: My name is Jennifer Foster,  
10 F-o-s-t-e-r. I am first, an American citizen, a wife, and  
11 a proud grandma of two little young grandchildren. I'm  
12 very concerned about the treatment of the wild horses and  
13 burros, specifically a rare donkey herd that is located on  
14 part of the Mojave National Preserve. They also are on  
15 the LM lands, so these donkeys range on and off.

16 The treatment of our wild burros are totally  
17 unacceptable. I've left material with detailed events of  
18 horrific events that occurred on the Mojave National  
19 Reserve regarding these burros in 2005. While everyone  
20 speaks of all these other acts, not one is dated before  
21 the Wild Horse and Burro Act.

22 The American people made sure that they let  
23 everybody know they wanted to protect these animals. I'm  
24 asking that you address the crimes being committed by the  
25 Mojave National Preserve against the few burros that are

1 left. These wild horse and burros are our living and  
2 breathing legacy of the settlement of the west. I would  
3 very much like to see my grandchildren continue to see  
4 these animals and their children also. Thank you.

5 MR. CASE: Thank you. 57.

6 MS. EGERMAN: Good afternoon. My name is Jill  
7 Egerman, E-g-e-r-m-a-n. I work for the Southern  
8 California Association of Government. And SCAG is  
9 developing a Regional Comprehensive Plan. One of the  
10 components of the Comprehensive Plan is an open space and  
11 habitat chapter. The Regional Comprehensive Plan is a  
12 companion document to the Regional Transportation Plan and  
13 the open space and habitat chapter provides protection  
14 strategy to balance the regions growth and representation.

15 SCAG is mandated to prepare the Regional  
16 Transportation Plan. Of those, SCAG is not mandated to  
17 prepare the Regional Comprehensive Plan, there are several  
18 reasons why we are doing so. In program EIR for 2004  
19 Regional Transportation Plan, an open space and habitat  
20 component of the Comprehensive Plan was identified as part  
21 of the mitigation for significant impacts of future  
22 transportation projects and growth.

23 Also, under SAFETEA-LU, which is the new  
24 transportation act, as a Metropolitan planning  
25 organization, SCAG is required to expand consultation with



1 other agencies and effective parties during the  
2 transportation planning process, and to include a  
3 discussion and mitigation in their transportation  
4 processes, environmental impacts.

5 Please, encourage and support efforts such as  
6 ours. Thank you.

7 MR. CASE: Thank you. 58. 59. 60. 61. 62.

8 Is there anybody else that wanted to comment that  
9 has not had a chance yet?

10 Okay, if not, I'm going to ask the secretary to  
11 come back up for some closing comments.

12 MR. KEMPTHORNE: Dave, let me thank you for the  
13 job which you have done today. And also, let me thank  
14 those who have signed for us today and our court reporter,  
15 all of you have been doing a lot of work here this  
16 morning. And also, our sound engineer, we thank you.

17 I'm kind of sorry that Ruth left, she just left.  
18 But I thought she summarized it quite well. She came here  
19 to listen, but then she heard the variety of views and she  
20 said, my goodness, she thought, those in one column had  
21 some merit. And then she listened and those in the other  
22 column had some merit.

23 Well, I think all this sitting here you find that  
24 there is merit to many things that were said. We spent, I  
25 don't know, three hours together. It's been a very good



1 discussion. Very good discussion. As I make notes, and I  
2 think if you take snippets, my goodness, if you played  
3 just those on the six o'clock news tonight, you'd say you  
4 had groups that were very diverse in their views. I mean,  
5 those where strong statements that were made by different  
6 individuals here today. Very much opposing views, and yet  
7 it was done with the highest of dignity by everybody.

8           Ten years ago I don't know that you would have  
9 had this type of an atmosphere over some of these very  
10 issues, so we really have made progress together. The  
11 other nice thing is there are examples you can point to of  
12 cooperation for conservation that have yielded results.  
13 You have those from the environmental community, those  
14 from the agriculture community, the cattle industries.  
15 They all made outstanding points here.

16           And I perhaps am this eternal optimist, but I see  
17 that there are elements there that can be strung together  
18 and further strengthening and have a successful effort  
19 here.

20           Laurie, I thought your comments were quite  
21 poignant, I think your father would be very proud of you.  
22 When I was at Maine at the listening session, one of the  
23 individuals who spoke up there said that he'd never been  
24 more proud to be from Maine after having spent about three  
25 hours together and listening to his fellow citizens. I

1 think you all can be very proud of what was discussed  
2 here. The atmosphere, the manner by which it was.

3 Some of you were absolutely adamant that we need  
4 to defend existing laws. Do not touch them, except if  
5 you, in fact, want to strengthen them. Others of you were  
6 adamant, we need to change the laws. I don't know what  
7 the conclusion of this will all be, but we're going to  
8 take into account all that was said.

9 I happen to have the privilege of working with  
10 some very talented people in federal government. I  
11 appreciate it. And it was mentioned by somebody the  
12 passion that a lot of people have for this issue. If you  
13 didn't have passion, you wouldn't sit here for three  
14 hours. You have a lot of things going on in your life.  
15 For you to come to this meeting like this speaks volumes  
16 about you and your dedication to this.

17 Funding has come up several times. As a  
18 governor, I understand funding and I understand the needs  
19 for additional funds. One of the things that I'm very  
20 proud that we have launched, we launched it on August 25th  
21 of this year in commemoration of the 90th anniversary of  
22 the National Park Service. They did this in Yellowstone.

23 But the president gave me a directive, and that  
24 is where to have a Centennial Challenge for our national  
25 parks, so that when we hit the 100th anniversary it is not

1 to just role out some master plan. It's to celebrate ten  
2 more years of accomplishment with the national parks. And  
3 the launch it into the second 100 years. In that  
4 directive it said that we are to find additional  
5 opportunities for funding in the private sector, in the  
6 philanthropic, and government investment.

7 My point that I made to the administration is,  
8 the federal government also needs to step up. You cannot  
9 turn to the private sector and ask for them to do more if  
10 we don't also show that we will do our part. In one of  
11 the meetings that I had, we identified that private sector  
12 in the philanthropic community can be the margin  
13 excellence, it cannot be the margin of survival. The  
14 government has to cover some of these necessary costs.

15 The successes that we have to point to I think  
16 demonstrates cooperative conservation does work, we'll  
17 continue to make it work, we'll have more success.  
18 Doesn't mean it's going to be easy. I appreciate it, the  
19 mayor of Colton and others that commented about that.

20 I remember when I was a member of the United  
21 States Senate, using the example of the fly as one of the  
22 reasons why I think there are ways we can make positive  
23 enhancements to the Endangered Species Act, putting  
24 greater emphasis on recovery. I'm very happy that we  
25 issued \$67 million to help us on recovery.

1           I want to see more species recovered, that's one  
2 of our objectives. Let me just, again, thank you. I will  
3 take this information. Two weeks ago in a meeting  
4 one-on-one with the president in the Oval Office we  
5 discussed this cooperative conservation. We discussed  
6 some of the things I had heard thus far. I'll have more  
7 things to report based on this meeting here in  
8 San Bernardino. And tomorrow is Massachusetts. We will  
9 conclude these listening sessions in Boise, Idaho.

10           So again, thanks for hanging in there, not only  
11 for the three hours here, but for the whole process of  
12 cooperative conservation. We're making progress, folks,  
13 and we're going to have more progress in the future by  
14 working together. Thanks very much.

15           MR. LEVY: I missed my number. I was outside and  
16 you called number 60 and I was hoping to get my three  
17 minutes in. I traveled a long ways.

18           MR. CASE: Okay.

19           MR. LEVY: Hello, governor -- Secretary of  
20 Interior. I don't know if you recognize me, I met you  
21 many times in Idaho when you were governor. The rest of  
22 you, my name is Scott Levy, I host the website,  
23 bluefish.org. I'm here to talk about your question here,  
24 how can the federal government work to improve science  
25 used in environmental protection and conservation?

1           The mission of the bluefish.org website is to  
2     promote open and honest dialogue about issues regarding  
3     the plight of the Idaho's wild salmon and steelhead. The  
4     bluefish.org website is a library of facts and opinions  
5     from all sides of this issue. I'm a librarian, I host  
6     whatever opinion comes up. You've been to the website,  
7     many of your staff has been to the website.

8           I host information from Save Our Wild Salmon, I  
9     host information from Save Our Damns. I'm a librarian, I  
10    put everything that goes on about the issue. I'm not  
11    interested in a particular agenda. My goal is to inform  
12    decision-makers like yourself.

13          And I seek to provide information under the  
14    premiss that decision-makers need to have good information  
15    in order to make good, informed decisions. To that end, I  
16    have submitted ten proposals to the Northwest Power  
17    Planning Council. Many of these proposals address key  
18    uncertainties identified by government agencies.  
19    Uncertainties that they have openly stated hinder their  
20    ability to make informed decisions.

21          I'll give a brief title to those ten proposals,  
22    and afterwards I'll hand these off to you so you can kind  
23    of look at them yourself to see what the comments were  
24    from the Power Council, why they're -- what their opinions  
25    are. Also, their summary of some rather long proposals.

1           First one, cooler temperatures for federally  
2   controlled reservoirs. Does the decline of Idaho's  
3   Sockeye Salmon correlate with the Mountain Pine Beetle  
4   infestation? Investigating reservoir sediment concerns of  
5   free-flowing lower Snake River. Investigating juvenile  
6   salmon immortality associated with lock flushing. To  
7   date, nobody has studies the mortality that's happened to  
8   lock flush. And when I was putting these together, I  
9   realized that, and nobody seems to think it's important.  
10   Investigating flood control benefits and flooding risks of  
11   federally controlled lower Snake River dams.

12           MR. CASE: Thank you.

13           MR. LEVY: Surveying jobs -- I'll be very brief.  
14   Surveying jobs that depend on the existence of lower Snake  
15   Rivers or worse, keeping irrigators whole, keeping  
16   commodity shippers whole, reducing the cost of reservoir  
17   removal, estimating the BPA --

18           MR. CASE: Thank you. Time is up.

19           MR. LEVY: Basically, I'm asking that you call  
20   Kempton and Danielson to decide if they want these  
21   proposals to be taken. And now it's on the record that  
22   you are now informed that I'm willing to do that. They  
23   don't want these proposals to be funded. So now I'm  
24   leaving it with you to give them a call if they like.  
25   Thanks for your time.



1           MR. CASE: Thank you. I want to thank Jordan,  
2 who works for the Department of Interior who does a lot  
3 work in making all this happen. Dixie and Jane from Fish  
4 and Wildlife Service and all of the poor folks that put in  
5 a tremendous amount of work and makes it all seem real  
6 easy to do this. Again, thank all of you for attending.  
7 Thank you.

8           (Meeting adjourned at 1:55 p.m.)

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